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BILL 67

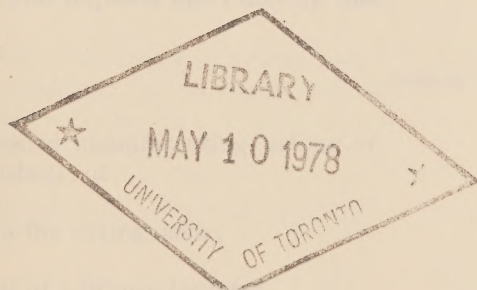
Private Member's Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

Legislative Assembly

**An Act to regulate the Manufacture, Sale and
Servicing of Portable Fire Extinguishers**

MR. STONG



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to protect the public from the fire hazard created by inadequately manufactured and serviced fire extinguishers. The Bill requires that any business or person engaged in the business of manufacturing, selling or servicing fire extinguishers must first obtain a licence. The Lieutenant Governor in Council has authority to make regulations establishing safety standards governing the manufacturing and servicing of fire extinguishers. The Director of Fire Extinguisher Safety may require persons who apply for a licence to service fire extinguishers to complete examinations to ensure their competency prior to being issued a licence. The Director has authority to refuse an application or to revoke a licence, but the Bill establishes a right to a hearing before the Fire Marshal of Ontario and a further appeal to a court in order to provide recourse to applicants and licensees who wish to reverse the Director's decision.

BILL 67

1978

An Act to regulate the Manufacture, Sale and Servicing of Portable Fire Extinguishers

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Director" means the Director of Fire Extinguisher Safety;
- (b) "fire extinguisher" means a portable device designed and intended to be used for the purpose of extinguishing fires;
- (c) "Marshal" means the Fire Marshal of Ontario.

2.—(1) There shall be a Director of Fire Extinguisher Safety who shall be appointed by the Lieutenant Governor in Council.

Director

(2) The Director may exercise the powers and shall discharge the duties conferred and imposed upon him by this Act and the regulations.

Powers and
duties

3. No person shall,

Licences

- (a) engage in the business of manufacturing, selling or servicing fire extinguishers; or
- (b) undertake to service a fire extinguisher,

unless such person is the holder of a licence therefor.

4.—(1) Every applicant for a licence to engage in the business of manufacturing, selling or servicing fire extinguishers or for a licence to service fire extinguishers shall apply to the Director in the prescribed form.

Applica-
tion for
licence

Employer
to ensure
employees
licensed

(2) No person engaged in the business of servicing fire extinguishers shall employ a person to service fire extinguishers who is not the holder of a licence.

Address for
service

5. Every applicant for a licence shall state in the application an address for service in Ontario, and all notices under this Act or the regulations are sufficiently given or served for all purposes if sent by registered mail or delivered to the latest address for service so stated.

Notice of
changes in
business,
etc.

6. Every person licensed to engage in the business of manufacturing, selling or servicing fire extinguishers shall within fourteen days notify the Director of,

- (a) any change in the address for service or in the address of any place at which the person carries on business;
- (b) any change in the officers or members in the case of an association of individuals, partnership or corporation; and
- (c) any termination of employment of a person licensed to service fire extinguishers.

Inquiry re
applicant

7.—(1) The Director or any person authorized by him may make such inquiry as he considers sufficient regarding the competence of an applicant or licensee and may require an applicant to try such examinations to determine competence as the Director considers necessary.

Further
informa-
tion

(2) The Director may require further information or material to be submitted by an applicant or a licensee and may require verification by affidavit or otherwise of any information or material then or previously submitted.

Issuance of
licence

8. The Director shall issue a licence or renewal of a licence where in the opinion of the Director the proposed licensing is not against the public interest, and the licence may be subject to terms and conditions.

Transfers

9. A licence is not transferable.

Expiry of
licence

10. Every licence and renewal of licence expires on the day three years after the day of issuance.

Cancellation
of
licence on
termina-
tion of
employ-
ment

11.—(1) The licence of a person licensed to service fire extinguishers is cancelled upon the termination of the employment in respect of which it was issued.

(2) When a person licensed to service fire extinguishers Idem ceases to be employed as such, he shall give the licence to his employer who shall forward it to the Director.

(3) Every person who is licensed to engage in the business of manufacturing, selling or servicing fire extinguishers shall immediately upon the termination of such business forward to the Director his licence together with the licences, if any, of his employees. Surrender of licence

12.—(1) Where the Director proposes to refuse to grant or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee. Notice of proposal to refuse or revoke

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Marshal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Director and the Marshal, and he may so require such a hearing. Notice requiring hearing

(3) Where an applicant or licensee does not require a hearing by the Marshal in accordance with subsection 2, the Director may carry out the proposal stated in the notice under subsection 1. Powers of Director where no hearing

(4) Where an applicant or licensee requires a hearing by the Marshal in accordance with subsection 2, the Marshal shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may order the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Marshal considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Marshal may substitute his opinion for that of the Director. Powers of Marshal where hearing

(5) The Marshal may attach such terms and conditions to his order or to the licence as he considers proper to give effect to the purposes of the Act. Conditions of order

(6) The Director, the applicant or licensee who has required the hearing and such other persons as the Marshal may specify are parties to proceedings before the Marshal under this section. Parties

13.—(1) An applicant or licensee who is a party to proceedings under section 12 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced, or any report the content of which will be given in evidence at the hearing. Examination of documentary evidence

- Recording of evidence (2) The oral evidence taken before the Marshal shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.
- Findings of fact (3) The findings of fact of the Marshal pursuant to a hearing or review shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.
- 1971, c. 47
- Release of documentary evidence (4) Documents and things put in evidence at a hearing before the Marshal shall, upon the request of the person who produced them, be released to him by the Marshal within a reasonable time after the matter in issue has been finally determined.
- Reasons (5) The Marshal shall give his decision and reasons therefor in writing to the parties to the proceedings.
- Order effective, stay (6) Notwithstanding that a licensee appeals from an order of the Marshal, the order takes effect immediately, but the Marshal may grant a stay until disposition of the appeal.
- Appeal from decision of Marshal **14.—**(1) Any party to proceedings before the Marshal may appeal from his decision or order to the Supreme Court in accordance with the rules of court.
- Record to be filed in court (2) Where any party appeals from a decision of the Marshal, the Marshal shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of the evidence if it is not part of the Marshal's record, shall constitute the record in the appeal.
- Minister entitled to be heard (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.
- Powers of court on appeal (4) An appeal under this section may be made on questions of law or fact or both and the court may exercise all the powers of the Marshal, and for such purpose the court may substitute its opinion for that of the Director or of the Marshal, or the court may refer the matter back to the Marshal for rehearing, in whole or in part, in accordance with such directions as the court considers proper.
- Voluntary cancellation **15.** Notwithstanding section 12, the Director may cancel a licence upon the request in writing of the licensee in the prescribed form surrendering his licence.

16. Where, within the time prescribed therefor, or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of the licence, the licence shall be deemed to continue,

Continu-
ation of
licence
pending
renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Marshal has made his order.

17. A further application for a licence may be made upon new or other evidence or where it is clear that material circumstances have changed.

Further
application

18.—(1) Where the Director receives a complaint in respect of the carrying on of the business of manufacturing, selling or servicing fire extinguishers and so requests in writing, the person carrying on the business shall furnish the Marshal with such information respecting the matter complained of as the Marshal may require.

Complaints

(2) The request under subsection 1 shall indicate the nature of the inquiry involved.

Idem

19. The Director or any person designated by him in writing may at any reasonable time enter upon any premises in respect of which a licence is issued to make an inspection for the purpose of ensuring that the provisions of this Act and the regulations and the terms and conditions of the licence are being complied with, and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Inspections

20. The Minister may, by order, appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

Investiga-
tions by
order of
Minister

1971, c. 49

21.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or investigation, shall preserve secrecy in respect of all matters that come to his knowledge in the course of

Matters
confi-
dential

his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

Testimony
in civil suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

Restrain-
ing orders

22.—(1) Where it appears to the Marshal that any person does not comply with a provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of a penalty in respect of such non-compliance and in addition to any other rights he may have, the Marshal may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Court of Appeal from an order made under subsection 1.

Offences

23.—(1) Every person who knowingly,

- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. Corporations

(3) No proceedings under this section shall be instituted except with the consent of the Minister. Consent of the Minister

24. A statement as to,

Certificate as evidence

- (a) the licensing or non-licensing of any person ;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Marshal ;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Marshal ;
- (d) any other matter pertaining to such licensing, non-licensing, filing or non-filing or to any such person, document or material,

purporting to be certified by the Marshal is, without proof of the office or signature of the Marshal, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

25. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing methods, standards and procedures in respect of the manufacture and servicing of fire extinguishers ;
- (b) providing for the issuance of licences and for renewals thereof ;
- (c) exempting any class of person or fire extinguisher or type of service from this Act or the regulations or any provision thereof ;
- (d) requiring licensees, or any class thereof, to be bonded on such terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds ;
- (e) requiring licensees, or any class thereof, to make returns and furnish information to the Director ;
- (f) governing contracts for the sale, purchase or servicing of fire extinguishers ;

(g) prescribing forms and providing for their use.

Commence-
ment

26. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

27. The short title of this Act is *The Portable Fire Extinguishers Safety Act, 1978*.

An Act to regulate the
Manufacture, Sale and Servicing of
Portable Fire Extinguishers

1st Reading

April 20th, 1978

2nd Reading

3rd Reading

MR. STONG

(Private Member's Bill)

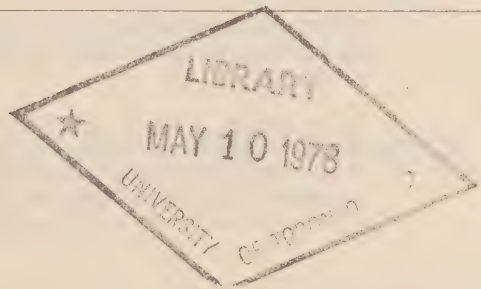
34 BILL '68

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

Legislative Assembly

An Act to amend The Corporations Tax Act, 1972

THE HON. L. MAECK
Minister of Revenue



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTIONS 1, 3, 4, 5. These sections are complementary to section 2 of the Bill.

SECTION 2. Section 33 of the Act, showing underlined the percentage to be changed by the amendment, is set out below:

33. *The tax payable by a corporation under this Part upon its taxable income or taxable income earned in Canada, as the case may be, in this section referred to as the "amount taxable", is 12 per cent of the amount taxable.*

The effect of the amendment to section 33 is to increase the rate of tax payable by a corporation from 12 per cent of the "amount taxable" to 13 per cent.

At present, a special deduction is available for small business which effectively reduces the regular tax rate by three percentage points, from 12 per cent to 9 per cent. In consequence of the increase in the regular tax rate from 12 per cent to 13 per cent the effective rate for small business will increase from 9 per cent to 10 per cent.

BILL 68

1978

An Act to amend The Corporations Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 14 of *The Corporations Tax Act, 1972*,<sup>s. 14 (6),
amended</sup> being chapter 143, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8, is amended by striking out "5/12ths" in the tenth line and inserting in lieu thereof "5/13ths".
2. Section 33 of the said Act, as re-enacted by the Statutes of<sup>s. 33,
amended</sup> Ontario, 1977, chapter 58, section 8, is amended by striking out "12 per cent" in the fourth line and inserting in lieu thereof "13 per cent".
3. Section 34 of the said Act, as re-enacted by the Statutes of<sup>s. 34,
amended</sup> Ontario, 1977, chapter 58, section 8, is amended by striking out "12 per cent" in the third line and inserting in lieu thereof "13 per cent".
4. Clause *e* of subsection 1 of section 35 of the said Act, as<sup>s. 35 (1) (e),
amended</sup> re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8, is amended by striking out "12 per cent" in the first line and inserting in lieu thereof "13 per cent".
- 5.—(1) Subsection 2 of section 41 of the said Act, as re-enacted<sup>s. 41 (2),
amended</sup> by the Statutes of Ontario, 1977, chapter 58, section 8, is amended by striking out "6%" in the fourth line and inserting in lieu thereof "6½%".
- (2) Subsection 4 of the said section 41 is amended by striking<sup>s. 41 (4),
amended</sup> out "16 2/3 times" in the fifth line and inserting in lieu thereof "15 5/13 times".
- (3) Subsection 5 of the said section 41 is amended by striking<sup>s. 41 (5),
amended</sup> out "12 per cent" in the fifth line and inserting in lieu thereof "13 per cent".

Commence-
ment

6. This Act shall be deemed to have come into force on the 8th day of March, 1978 and to apply to corporations in respect of all taxation years ending after the 7th day of March, 1978, except that with respect to the taxation year ending after the 7th day of March, 1978, and that includes that day, the following rules apply:

- (a) determine the amount of tax payable under Part II of the said Act as that Part stood on the 7th day of March, 1978 on the assumption that that Part as it so stood was applicable to that taxation year;
- (b) determine the proportion of the amount determined under clause *a* that the number of days of that taxation year prior to the 8th day of March, 1978 bears to the total number of days of that taxation year;
- (c) determine the amount of tax payable under Part II of the said Act, as amended by this Act, on the assumption that that Part as so amended was applicable for that taxation year;
- (d) determine the proportion of the amount determined under clause *c* that the number of days of that taxation year that follow the 7th day of March, 1978 bears to the total number of days of that taxation year;
- (e) determine the aggregate of the amounts determined under clauses *b* and *d* in respect of the corporation,

and the aggregate determined under clause *e* is the amount payable by the corporation under Part II of the said Act, as amended by this Act, for its taxation year that ends after the 7th day of March, 1978, and that includes that day.

Short title

7. The short title of this Act is *The Corporations Tax Amendment Act, 1978*.

SECTION 6. The increase in the rate of tax from 12 to 13 per cent is made to take effect on the 8th day of March, 1978, and the section contains the usual pro-rating provisions in respect of any corporation whose taxation year ends after, but includes within it, the 7th day of March, 1978.

An Act to amend
The Corporations Tax Act, 1972

1st Reading

April 25th, 1978

2nd Reading

3rd Reading

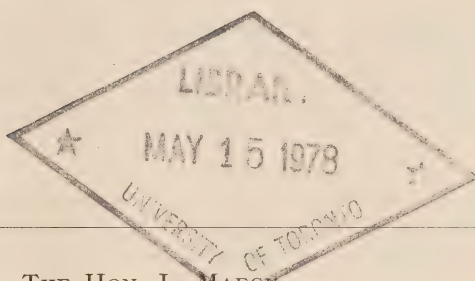
THE HON. L. MAECK
Minister of Revenue

(Government Bill)

BILL 68

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Corporations Tax Act, 1972



THE HON. L. MAECK
Minister of Revenue

TORONTO

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BILL 68

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An Act to amend
The Corporations Tax Act, 1972

1st Reading

April 25th, 1978

2nd Reading

May 2nd, 1978

3rd Reading

May 2nd, 1978

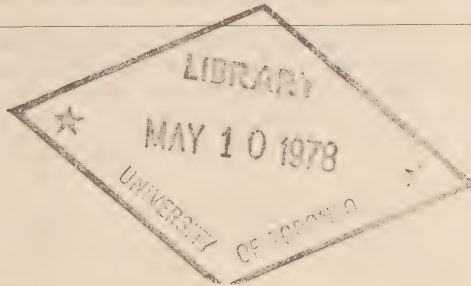
THE HON. L. MAECK
Minister of Revenue

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

Legislative Assembly

**An Act to amend
The Racing Commission Act**

THE HON. L. GROSSMAN
Minister of Consumer and Commercial Relations



EXPLANATORY NOTE

The Bill gives the Commission specific authority to adopt by reference any rules of racing associations or bodies and to delegate to racing associations and bodies the power to enforce any rules adopted by way of hearings and imposition of penalties. As complementary to the power to hold hearings, a power to summon witnesses is given.

Section 15 (1) of the Act presently provides for a similar delegation of powers by the Commission to officials specified in that subsection.

The Act presently provides for an appeal to the Commission from a decision of a person to whom a delegation was made under section 15 (1) of the Act. Section 15 (2) of the Act is being expanded to provide a similar right of appeal to the Commission from a decision of an association to which a delegation is made under the new section 15 (1*a*). A further new provision makes clear that a grievor must exhaust available appeals before applying to the Commission. Also, there is a new provision to the effect that where the Commission, after hearing an appeal, considers that the appeal to it was frivolously made, it may impose a penalty of up to \$300.

Under the Act, the quorum for the Commission is a majority of members with full membership, being seven. A new provision provides that for purposes of appeal hearings the quorum is three.

A further new provision empowers the Commission to review, on its own motion, any decision made by an association to which the power to make that decision has been delegated by the Commission.

BILL 69

1978

An Act to amend The Racing Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 15 of *The Racing Commission Act*, being chapter 398 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 116, section 3, is amended by adding thereto the following subsections:

s. 15,
amended

(1a) The Commission may adopt by reference, in whole or in part, with such changes as the Commission considers necessary, rules and procedures of racing associations or bodies and may delegate to racing associations or bodies the power to,

Adoption by
reference and
delegation
of powers

- (a) enforce the carrying out and observance of the rules and procedures as adopted or amended;
- (b) hold hearings in respect of the contravention of any of the said rules or procedures; and
- (c) impose and collect fines, costs and other penalties for the contravention of any of the said rules or procedures,

and where a power has been so delegated to a racing association or body, it shall have the right to exercise discretion or judgment in relation to the powers delegated.

(1b) Every person, association or body to whom a power to hold hearings has been delegated under subsection 1 or 1a, may summon any person by subpoena and require any person so summoned to give evidence on oath and to produce such documents and things as may be required for purposes of a hearing.

Power to
summon

Quorum for
hearings

(4) For the purposes of a hearing under subsection 2 three members of the Commission, one of whom shall be the chairman or vice-chairman, constitute a quorum.

Commission
may review
decision

(5) The Commission may, on its own motion, review any decision made by a racing association or body pursuant to a power delegated under subsection 1a and may, after affording the parties an opportunity to be heard, confirm the decision reviewed or substitute its own decision in lieu thereof.

s. 15 (2).
re-enacted

(2) Subsection 2 of the said section 15 is repealed and the following substituted therefor:

Aggrieved
person
entitled to
a hearing

(2) Subject to subsection 2b, any person who considers himself aggrieved by a decision of a person delegated by the Commission under a rule made under subsection 1 or by a decision resulting from a hearing held pursuant to a delegation under subsection 1a, is entitled to a hearing by the Commission and, in the case of a hearing, the Commission may exercise its powers and duties under section 11 as if such powers and duties had not been delegated.

Penalty

(2a) Where the Commission, after holding a hearing, is of the opinion that the request for the hearing was frivolously made, the Commission may order the person requesting the hearing to pay to the Commission a penalty of no more than \$300 in addition to any other penalty that may be imposed.

Appeals
prior to
hearing by
Commission

(2b) Where the rules of the Commission, promulgated or adopted, provide for an appeal to an association or body any person who considers himself aggrieved shall appeal in accordance with the rules before applying to the Commission for a hearing under subsection 2.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent

Short title

3. The short title of this Act is *The Racing Commission Amendment Act, 1978*.

An Act to amend
The Racing Commission Act

1st Reading

April 25th, 1978

2nd Reading

3rd Reading

THE HON. L. GROSSMAN
Minister of Consumer and Commercial
Relations

(Government Bill)

BILL 69

Government
Publications

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend
The Racing Commission Act**

THE HON. L. GROSSMAN
Minister of Consumer and Commercial Relations



BILL 69

1978

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s. 15,
amended

(1a) The Commission may adopt by reference, in whole or in part, with such changes as the Commission considers necessary, rules and procedures of racing associations or bodies and may delegate to racing associations or bodies the power to,

Adoption by
reference and
delegation
of powers

- (a) enforce the carrying out and observance of the rules and procedures as adopted or amended;
- (b) hold hearings in respect of the contravention of any of the said rules or procedures; and
- (c) impose and collect fines, costs and other penalties for the contravention of any of the said rules or procedures,

and where a power has been so delegated to a racing association or body, it shall have the right to exercise discretion or judgment in relation to the powers delegated.

(1b) Every person, association or body to whom a power to hold hearings has been delegated under subsection 1 or 1a, may summon any person by subpoena and require any person so summoned to give evidence on oath and to produce such documents and things as may be required for purposes of a hearing.

Power to
summon

Quorum for
hearings

(4) For the purposes of a hearing under subsection 2, three members of the Commission, one of whom shall be the chairman or vice-chairman, constitute a quorum.

Commission
may review
decision

(5) The Commission may, on its own motion, review any decision made by a racing association or body pursuant to a power delegated under subsection 1*a* and may, after affording the parties an opportunity to be heard, confirm the decision reviewed or substitute its own decision in lieu thereof.

s. 15 (2),
re-enacted

(2) Subsection 2 of the said section 15 is repealed and the following substituted therefor:

Aggrieved
person
entitled to
a hearing

(2) Subject to subsection 2*b*, any person who considers himself aggrieved by a decision of a person delegated by the Commission under a rule made under subsection 1 or by a decision resulting from a hearing held pursuant to a delegation under subsection 1*a*, is entitled to a hearing by the Commission and, in the case of a hearing, the Commission may exercise its powers and duties under section 11 as if such powers and duties had not been delegated.

Penalty

(2*a*) Where the Commission, after holding a hearing, is of the opinion that the request for the hearing was frivolously made, the Commission may order the person requesting the hearing to pay to the Commission a penalty of no more than \$300 in addition to any other penalty that may be imposed.

Appeals
prior to
hearing by
Commission

(2*b*) Where the rules of the Commission, promulgated or adopted, provide for an appeal to an association or body, any person who considers himself aggrieved shall appeal in accordance with the rules before applying to the Commission for a hearing under subsection 2.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Racing Commission Amendment Act, 1978*.

An Act to amend
The Racing Commission Act

1st Reading

April 25th, 1978

2nd Reading

May 11th, 1978

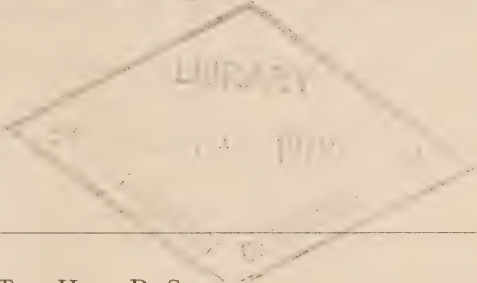
3rd Reading

May 11th, 1978

THE HON. L. GROSSMAN
Minister of Consumer and Commercial
Relations

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act respecting the
Occupational Health and Occupational Safety of Workers**



THE HON. B. STEPHENSON,
Minister of Labour

(Reprinted as amended by the Resources Development Committee)

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EXPLANATORY NOTE

The purpose of the Bill is to revise and consolidate into one Act, the Acts dealing with the health and safety of workers at work.

These Acts are :



The Mining Act, R.S.O. 1970, c. 274, Part IX

The Silicosis Act, R.S.O. 1970, c. 438

The Industrial Safety Act, 1971, c. 43

The Construction Safety Act, 1973, c. 47

The Employees' Health and Safety Act, 1976, c. 79

 The Bill provides that the application of the Act extends to all work places. 

The Bill provides for the establishment of an Advisory Council on Occupational Health and Occupational Safety to make recommendations to and advise the Minister on matters relating to occupational health and safety.

The Bill further provides for the regulation of the use of and exposure to substances which may endanger health in a work place, the monitoring of the levels of such substances in a work place and requiring medical examinations of workers.

BILL 70

1978

An Act respecting the Occupational Health and Occupational Safety of Workers

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

1. "committee" means a joint health and safety committee established under this Act; 1976, c. 79, s. 1 (a), *amended*.
2. "competent person" means a person who is qualified because of his,
 - i. knowledge, training and experience to organize the work and its performance,
 - ii. familiarity with the provisions of this Act and the regulations that apply to the work, and
 - iii. knowledge of any potential or actual danger to health or safety in the work place; *New*.
3. "construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, land clearing, earth moving, grading, excavating, trenching, digging, boring, drilling, blasting, or concreting, the installation of any machinery or plant, and any work or undertaking in connection with a project; 1973, c. 47, s. 1 (d), *amended*.
4. "constructor" means a person who undertakes a project for an owner and includes an owner who undertakes all or part of a project by himself or by more than one employer; 1973, c. 47, s. 1 (e), *amended*.

5. "Deputy Minister" means the Deputy Minister of Labour; 1973, c. 47, s. 1 (*f*).
6. "designated substance" means a biological, chemical or physical agent or combination thereof prescribed as a designated substance to which the exposure of a worker is prohibited, regulated, restricted, limited or controlled; *New*.
7. "Director" means an inspector who is appointed under this Act as a Director of the Occupational Health and Safety Division of the Ministry; 1971, c. 43, s. 1 (*da*); 1972, c. 122, s. 1, *amended*.
8. "employer" means a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services; 1971, c. 43, s. 1 (*e*); 1973, c. 47, s. 1 (*h*), *amended*.
9. "engineer of the Ministry" means a person who is employed by the Ministry and who is registered as a professional engineer or licensed as a professional engineer under *The Professional Engineers Act*; 1971, c. 43, s. 1 (*g*), *amended*.
10. "factory" means,
 - i. a building or place other than a mine, mining plant or place where homework is carried on, where,
 - A. any manufacturing process or assembling in connection with the manufacturing of any goods or products is carried on,
 - B. in preparing, inspecting, manufacturing, finishing, repairing, warehousing, cleaning or adapting for hire or sale any substance, article or thing, energy is,
 1. used to work any machinery or device, or
 2. modified in any manner,

- C. any work is performed by way of trade or for the purposes of gain in or incidental to the making of any goods, substance, article or thing or part thereof,
 - D. any work is performed by way of trade or for the purposes of gain in or incidental to the altering, demolishing, repairing, maintaining, ornamenting, finishing, storing, cleaning, washing or adapting for sale of any goods, substance, article or thing, or
 - E. aircraft, locomotives or vehicles used for private or public transport are maintained,
- ii. a laundry including a laundry operated in conjunction with,
 - A. a public or private hospital,
 - B. a hotel, or
 - C. a public or private institution for religious, charitable or educational purposes, and
 - iii. a logging operation; 1971, c. 43, s. 1 (*h*), *amended*.
11. "health and safety representative" means a health and safety representative selected under this Act; 1976, c. 79, s. 1 (*d*), *amended*.
 12. "homework" means the doing of any work in the manufacture, preparation, improvement, repair, alteration, assembly or completion of any article or thing or any part thereof by a person for wages in premises occupied primarily as living accommodation; 1971, c. 43, s. 1 (*i*).
 13. "industrial establishment" means an office building, factory, shop or office, and any land, buildings and structures appertaining thereto; 1971, c. 43, s. 1 (*j*); 1974, c. 104, s. 1 (*i*), *amended*.
 14. "inspector" means an inspector appointed for the purposes of this Act and includes a Director; 1971, c. 43, s. 1 (*k*); 1973, c. 47, s. 1 (*i*), *amended*.

15. "logging" means the operation of felling or trimming trees for commercial or industrial purposes and includes the measuring, storing, transporting or floating of logs and any such activities for the clearing of land; 1971, c. 43, s. 1 (*kb*); 1974, c. 104, s. 1 (2), *amended*.
16. "mine" means any work or undertaking for the purpose of opening up, proving, removing or extracting any metallic or non-metallic mineral or mineral-bearing substance, rock, earth, clay, sand or gravel; R.S.O. 1970, c. 274, s. 169 (1) (*d*), *amended*.
17. "mining plant" means any roasting or smelting furnace, concentrator, mill or place used for or in connection with washing, crushing, grinding, sifting, reducing, leaching, roasting, smelting, refining, treating or research on any substance mentioned in paragraph 15; R.S.O. 1970, c. 274, s. 169 (1) (*g*), *amended*.
18. "Minister" means the Minister of Labour; 1971, c. 43, s. 1 (*l*); 1973, c. 47, s. 1 (*j*).
19. "Ministry" means the Ministry of Labour;
20. "occupational illness" means a condition that results from exposure in a work place to a physical, chemical or biological agent to the extent that the normal physiological mechanisms are affected and the health of the worker is impaired thereby and includes an industrial disease as defined by *The Workmen's Compensation Act*; *New*.
21. "owner" includes a trustee, receiver, mortgagee in possession, tenant, lessee, or occupier of any lands or premises used or to be used as a work place, and a person who acts for or on behalf of an owner as his agent or delegate; R.S.O. 1970, c. 274, s. 1, par. 18; 1971, c. 43, s. 1 (*n*); 1973, c. 47, s. 1 (*l*), *amended*.
22. "prescribed" means prescribed by a regulation made under this Act; *New*.
23. "project" means a construction project, whether public or private, including,
 - i. the construction of a building, bridge, structure, industrial establishment, mining plant, shaft, tunnel, caisson, trench, excavation, highway, railway, street, runway, parking

lot, cofferdam, conduit, sewer, watermain, service connection, telegraph, telephone or electrical cable, pipe line, duct or well, or any combination thereof,

ii. mining development,

iii. the moving of a building or structure, and

iv. any work or undertaking, or any lands or appurtenances used in connection with construction; 1973, c. 47, s. 1 (n), *amended*.

24. "regulations" means the regulations made under this Act; 1971, c. 43, s. 1 (r); 1973, c. 47, s. 1 (o), *amended*.

25. "shop" means a building, booth or stall or a part of such building, booth or stall where goods are handled, exposed or offered for sale or where services are offered for sale; 1971, c. 43, s. 1 (s), *amended*.

26. "supervisor" means a person who has charge of a work place or authority over a worker; *New*.

27. "trade union" means a trade union as defined in *The Labour Relations Act* that has the status of exclusive bargaining agent under that Act in respect of any bargaining unit or units in a work place and includes an organization representing workers or persons to whom this Act applies where such organization has exclusive bargaining rights under any other Act in respect of such workers or persons; 1976, c. 79, s. 1 (g), *amended*. R.S.O. 1970,
c. 232

28. "work place" includes any site, location, space, water, vehicle, aircraft, equipment, land, building, shop, structure whether movable or not, mine, mining plant, industrial establishment, project site, premises and area, public or private, or any part thereof, at, upon, in or near which a worker performs work; *New*.

29. "worker" includes a person who is in or on a work place for any purpose in connection therewith. 1973, c. 47, s. 1 (t), *amended*.

PART I

APPLICATION

2.—(1) This Act binds the Crown and applies to an employee in the service of the Crown or an agency, board, Application
to Crown

commission or corporation that exercises any function assigned or delegated to it by the Crown. 1971, c. 43, s. 3; 1973, c. 47, s. 2 (1), *amended*.

Application
of other
Acts

(2) Notwithstanding anything in any general or special Act, the provisions of this Act and the regulations prevail. 1976, c. 79, s. 11.

Application
to work
places

3.—(1) This Act applies to all work places.

Where Act
does not
apply

(2) This Act does not apply to,

(a) a project being done in person by the owner or occupants of a private residence in relation to such residence; and

(b) a work place that is exempted generally or specifically by regulation provided that all such exemptions shall expire not later than the 31st day of December, 1978. 1971, c. 43, s. 2; 1973, c. 47, ss. 2 (1), 3, *amended*.

No
exemption
for projects,
mines, etc.

(3) Clause *b* of subsection 2 does not apply to a project, mine, mining plant or industrial establishment. *New*.

PART II

ADMINISTRATION

Delegation
of powers

4. Where under this Act or the regulations any power or duty is granted to or vested in the Minister or the Deputy Minister, the Minister or Deputy Minister may in writing delegate that power or duty from time to time to any officer or officers of the Ministry subject to such limitations, restrictions, conditions and requirements as the Minister or Deputy Minister may set out in the delegation. *New*.

Appoint-
ment of
inspectors
and
Directors


5.—(1) Such persons as may be necessary to administer and enforce this Act and the regulations may be appointed as inspectors by the Deputy Minister and the Deputy Minister may designate one or more of the inspectors as a Director or Directors. 1971, c. 43, s. 6 (1, 2); 1973, c. 47, s. 4 (1, 2), *amended*.

Director
may act as
inspector

(2) A Director may exercise any of the powers or perform any of the duties of an inspector under this Act or the regulations. *New*.

Certificate
of appoint-
ment


6.—(1) The Deputy Minister shall issue a certificate of appointment, bearing his signature or a facsimile thereof, to every inspector.

(2) Every inspector, in the exercise of any of his powers or duties under this Act, shall produce his certificate of appointment upon request. 1971, c. 43, s. 7; 1973, c. 47, s. 5, *amended*. 


Production
of
certificate

7.—(1) An employer, constructor or group of employers shall cause a joint health and safety committee or committees to be established at every work place where twenty or more workers are employed unless a committee of like nature to such a committee is in existence in the work place under the provisions of a collective agreement or other agreement or arrangement between the employer, constructor or group of employers, as the case may be, and the workers.

Establish-
ment of
joint health
and safety
committees



(2) At every work place at which nineteen or fewer workers are employed, the Minister may, by order in writing, require an employer, constructor or group of employers to establish a joint health and safety committee. *New*. 

Idem

(3) In exercising the power conferred by subsection 2, the Minister shall consider, 

What
Minister
shall
consider

- (a) the nature of the work being done;
- (b) the request of a constructor, an employer, a group of the workers or the trade union or trade unions representing the workers in a work place;
- (c) the frequency of illness or injury in the work place or in the industry of which the constructor or employer is a part;
- (d) the existence of health and safety programs and procedures in the work place and the effectiveness thereof; and
- (e) such other matters as the Minister considers advisable. 1976, c. 79, s. 4 (3), *amended*.

 (4) A committee shall consist of at least two persons of whom at least half shall be workers who do not exercise managerial functions to be selected by the workers they are to represent or, where there is a trade union or trade unions representing such workers, by the trade union or trade unions. 

Composi-
tion of
committee

(5) It is the function of a committee and it has power to, 

Powers of
committee

- (a) identify situations that may be a source of danger or hazard to workers;

- (b) make recommendations to the constructor, employer or group of employers, as the case may be, and the workers for the improvement of the health and safety of workers;
- (c) recommend to the constructor, employer or group of employers, as the case may be, and the workers, the establishment, maintenance and monitoring of programs, measures and procedures respecting the health or safety of workers; and
- (d) obtain information from the constructor or employer respecting,
 - (i) the identification of potential or existing hazards of materials, processes or equipment, and
 - (ii) health and safety experience and work practices and standards in similar or other industries of which the constructor or employer has knowledge. 1976, c. 79, s. 4 (4), *amended*.

Minutes of
proceed-
ings

(6) A committee shall maintain and keep minutes of its proceedings and make the same available for examination and review by an inspector.

Powers of
designated
member

(7) The members of a committee who represent workers shall designate one of the members representing workers to inspect the work place, not more often than once a month or at such intervals as a Director may direct, and it is the duty of the employer and the workers to afford that member such information and assistance as may be required for the purpose of carrying out the inspection.

Idem

(8) The members of a committee who represent workers shall designate one or more such members to investigate cases where a worker is killed or critically injured at a work place from any cause and one of those members may, subject to subsection 2 of section 25, inspect the place where the accident occurred and any machine, device or thing, and shall report his findings to a Director and to the committee. *New.*

Posting of
names and
work
locations

(9) The employer, constructor or group of employers required to establish a committee under this section shall post and keep posted at the work place the names and work locations of the committee members in a conspicuous place or places where they are most likely to come to the attention of the workers.

(10) A committee shall meet at least once every three months at the work place and may be required to meet by order of the Minister. 1976, c. 79, s. 4 (6, 7), *amended*. Meetings

(11) A member of a committee is entitled to such time from his work as is necessary to attend meetings of the committee and to carry out his duties under subsections 7 and 8 and the time so spent shall be deemed to be work time for which he shall be paid by his employer at his regular or premium rate as may be proper. 1976, c. 79, s. 4 (8), *amended*. Entitlement to time from work

(12) Any committee of a like nature to a committee established under this section in existence in a work place under the provisions of a collective agreement or other agreement or arrangement between an employer, a constructor or a group of employers, as the case may be, and the workers, has, in addition to its functions and powers under the provisions of the collective agreement or other agreement or arrangement, the functions and powers conferred upon a committee by this section. *New*. Additional powers of certain committees

8.—(1) Where no committee has been established, the Minister may, by order in writing, require an employer, a constructor or a group of employers to cause the selection of one or more health and safety representatives for a work place or a part or parts thereof from among the workers employed at the work place or in the part or parts thereof who do not exercise managerial functions, and may provide in the order for the qualifications of such representative or representatives. Order appointing health and safety representatives

(2) The Minister may from time to time give such directions as the Minister considers advisable concerning the carrying out of the functions of a health and safety representative. 1976, c. 79, s. 5 (1), *amended*. Idem

(3) In exercising the power conferred by subsection 1, the Minister shall consider the matters set out in subsection 3 of section 7. What Minister shall consider

(4) The selection of a health and safety representative shall be made by those workers who do not exercise managerial functions and who will be represented by the health and safety representative in the work place, or the part or parts thereof, as the case may be, or, where there is a trade union or trade unions representing such workers, by the trade union or trade unions. Selection of representatives

(5) A health and safety representative may inspect the work place or the part or parts thereof for which he has been Powers of representative

selected, as the case may be, not more often than once a month or at such intervals as a Director may direct, and it is the duty of the employer and the workers to afford the health and safety representative such information and assistance as may be required for the purpose of carrying out the inspection.

Idem

(6) A health and safety representative has power to identify situations that may be a source of danger or hazard to workers and to make recommendations or report his findings thereon to the employer, workers, a trade union or trade unions representing workers.

Notice of
accident.
inspection
by repre-
sentative

(7) Where a person is killed or critically injured at a work place from any cause, the health and safety representative may, subject to subsection 2 of section 25, inspect the place where the accident occurred and any machine, device or thing, and shall report his findings in writing to a Director.

Entitle-
ment to
time from
work

(8) A health and safety representative is entitled to take such time from his work as is necessary to carry out his duties under subsections 5 and 7 and the time so spent shall be deemed to be work time for which he shall be paid by his employer at his regular or premium rate as may be proper. 1976, c. 79, s. 5 (2-6), *amended*.

Additional
powers of
certain
health and
safety
representa-
tives

(9) A health and safety representative or representatives of like nature appointed or selected under the provisions of a collective agreement or other agreement or arrangement between the employer, constructor or group of employers, as the case may be, and the workers, has, in addition to his functions and powers under the provisions of the collective agreement or other agreement or arrangement the functions and powers conferred upon a health and safety representative by subsections 5, 6 and 7. *New*.

Summary
to be
furnished

9.—(1) The Workmen's Compensation Board, upon the request of an employer, a worker, committee, health and safety representative or trade union, shall send to the employer, and to the worker, committee, health and safety representative or trade union requesting the information an annual summary of data relating to the employer in respect of the number of work accident fatalities, the number of lost workday cases, the number of lost workdays, the number of non-fatal cases that required medical aid without lost workdays, the incidence of occupational illnesses, the number of occupational injuries, and such other data as the Board may consider necessary or advisable.

Posting of
copy of
summary

(2) Upon receipt of the annual summary, the employer shall cause a copy thereof to be posted in a conspicuous

place or places at the work place where it is most likely to come to the attention of the workers. 1976, c. 79, s. 8, *amended*.

(3) A Director shall, in accordance with the objects and purposes of this Act, ensure that persons and organizations concerned with the purposes of this Act are provided with information and advice pertaining to its administration and to the protection of the occupational health and occupational safety of workers generally. *New*.

Director
to provide
information

10.—(1) There shall be a council to be known as the Advisory Council on Occupational Health and Occupational Safety composed of not fewer than twelve and not more than twenty members appointed by the Lieutenant Governor in Council on the recommendation of the Minister.

Advisory
Council on
Occupational
Health and
Occupational
Safety

(2) The members of the Advisory Council shall be appointed for such term as the Lieutenant Governor in Council determines and shall be representative of management, labour and technical or professional persons and the public who are concerned with and have knowledge of occupational health and occupational safety.

Term of
office of
members

(3) The Lieutenant Governor in Council shall designate a chairman and a vice-chairman of the Advisory Council from among the members appointed.

Chairman
and vice-
chairman

(4) The Lieutenant Governor in Council may fill any vacancy that occurs in the membership of the Advisory Council.

Vacancies

(5) The remuneration and expenses of the members of the Advisory Council shall be determined by the Lieutenant Governor in Council and shall be paid out of the moneys appropriated therefor by the Legislature.

Remuneration
and
expenses

(6) The Advisory Council, with the approval of the Minister, may make rules and pass resolutions governing its procedure, including the calling of meetings, the establishment of a quorum, and the conduct of meetings.

Powers of
Advisory
Council

(7) The function of the Advisory Council is and it has power,

Idem

- (a) to make recommendations to the Minister relating to programs of the Ministry in occupational health and occupational safety; and

(b) to advise the Minister on matters relating to occupational health and occupational safety which may be brought to its attention or be referred to it.

Annual
report

(8) The Advisory Council shall file with the Minister not later than the 1st day of June in each year an annual report upon the affairs of the Advisory Council.

Idem

(9) The Minister shall submit the report to the Lieutenant Governor in Council who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session. *New.*

Advisory
committees

11.—(1) The Minister may appoint committees, which are not committees as defined in paragraph 1 of section 1, or persons to assist or advise the Minister on any matter arising under this Act or to inquire into and report to the Minister on any matter that the Minister considers advisable.

Remunera-
tion and
expenses

(2) Any person appointed under subsection 1 who is not an officer in the public service of the Province of Ontario may be paid such remuneration and expenses as may be from time to time fixed by the Lieutenant Governor in Council. *New.*

Assessment
to defray
expenses

R.S.O. 1970,
c. 505

12.—(1) The Lieutenant Governor in Council may, upon the recommendation of the Minister, fix an amount that shall be assessed and levied by the Workmen's Compensation Board upon the employers in Schedule 1 under *The Workmen's Compensation Act* engaged in projects, excluding mine development to defray the expenses of the administration of this Act and the regulations, in relation to projects.

Method of
collection
R.S.O. 1970,
c. 505

(2) The Workmen's Compensation Board shall add to the assessment and levy made under *The Workmen's Compensation Act* upon each employer in Schedule 1 under that Act engaged in projects, excluding mine development, a sum which shall be calculated as a percentage of the said assessment and levy and which percentage shall be determined as the proportion that the amount fixed under subsection 1 bears to the total sum that the Workmen's Compensation Board fixes and determines to be assessed for payment by all employers in the said Schedule 1 engaged in projects, excluding mine development, and *The Workmen's Compensation Act* applies to such sum and to the collection and payment thereof in the same manner as to an assessment and levy made under that Act.

Idem

(3) The Workmen's Compensation Board shall collect the assessment and levy imposed under this section and shall pay

the amounts so collected to the Treasurer of Ontario. 1973, c. 47, s. 29, *amended*.

PART III

DUTIES OF A CONSTRUCTOR, EMPLOYER, SUPERVISOR, WORKER, OWNER AND SUPPLIER

13.—(1) A constructor shall ensure that the measures and procedures required by this Act and the regulations are carried out on a project undertaken by the constructor. Duties of constructor

(2) A constructor shall take every precaution reasonable in the circumstances to ensure that every employer and every worker performing work on a project undertaken by the constructor complies with this Act and the regulations. 1973, c. 47, s. 14 (3), *amended*. Idem

(3) Where so prescribed, a constructor shall, before commencing any work on a project, give to a Director notice in writing of the project containing such information as may be prescribed. *New*. Notice of project

14.—(1) An employer shall ensure that, Duties of employer

- (a) the equipment, materials and protective devices as prescribed are provided;
- (b) the equipment, materials and protective devices provided by him are maintained in good condition;
- (c) the measures and procedures prescribed are carried out in the work place; and
- (d) a floor, roof, wall, pillar, support or other part of a work place is capable of supporting all loads to which it may be subjected without causing the materials therein to be stressed beyond the allowable unit stresses established under *The Building Code Act*, 1974, c. 74, 1974.

(2) An employer shall take every precaution reasonable in the circumstances to ensure that the equipment, materials and protective devices provided by him are used as prescribed. Idem

(3) Without limiting the strict duty imposed by sub-section 1, an employer shall, Idem

- (a) provide information, instruction and supervision to a worker to protect the health or safety of the worker;



- (b) when appointing a supervisor, appoint a competent person;
- (c) acquaint a worker or a person in authority over a worker with any hazard in the work and in the handling, storage, use, disposal and transport of any article, device, equipment or a biological, chemical or physical agent;
- (d) afford assistance and co-operation to a committee and a health and safety representative in the carrying out by the committee and the health and safety representative of any of their functions;
- (e) only employ in or about a work place a person over such age as may be prescribed;
- (f) not knowingly permit a person who is under such age as may be prescribed to be in or about a work place; and
- (g) take every precaution reasonable in the circumstances for the protection of a worker.



Idem

(4) For the purposes of clause *b* of subsection 3, an employer may appoint himself as a supervisor where the employer is a competent person. 1971, c. 43, ss. 24 (1-3), *part*, 28 (1, 2); 1973, c. 47, s. 17 (1, 2), *amended*.



Idem

15. In addition to the duties imposed by section 14, an employer or group of employers shall,



- (a) establish an occupational health service for workers as prescribed;
- (b) where an occupational health service is established as prescribed, maintain the same according to the standards prescribed;
- (c) keep and maintain accurate records of the handling, storage, use and disposal of biological, chemical or physical agents as prescribed;
- (d) accurately keep and maintain and make available to the worker affected such records of the exposure of a worker to biological, chemical or physical agents as may be prescribed;
- (e) notify a Director of the use or introduction into a work place of such biological, chemical or physical agents as may be prescribed;



- (f) monitor at such time or times or at such interval or intervals the levels of biological, chemical or physical agents in a work place and keep and post accurate records thereof as prescribed;
- (g) comply with a standard limiting the exposure of a worker to biological, chemical or physical agents as prescribed;
- (h) where so prescribed, only permit a worker to work or be in a work place who has undergone such medical examinations, tests or x-rays as prescribed and who is found to be physically fit to do the work in the work place;
- (i) where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for the protection of a worker. *New.*

16.—(1) A supervisor shall take every precaution reasonable in the circumstances to ensure that a worker, Duties of supervisor

- (a) works in the manner and with the protective devices, measures and procedures required by this Act and the regulations; and
- (b) uses or wears the equipment, protective devices or clothing that his employer requires to be used or worn.

(2) Without limiting the duty imposed by subsection 1, a supervisor shall, Additional duties of supervisor

- (a) advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware;
- (b) where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for protection of the worker; and
- (c) take every precaution reasonable in the circumstances for the protection of a worker. R.S.O. 1970, c. 274, s. 177 (6); 1971, c. 43, s. 26; 1973, c. 47, s. 17 (1, 3), *amended*.

17.—(1) A worker shall,

Duties of workers

- (a) work in compliance with the provisions of this Act and the regulations;

- (b) use or wear the equipment, protective devices or clothing that his employer requires to be used or worn;
- (c) report to his employer or supervisor the absence of or defect in any equipment or protective device of which he is aware and which may endanger himself or another worker;
- (d) report to his employer or supervisor any contravention of this Act or the regulations or the existence of any hazard of which he knows; and
- (e) where so prescribed, have, at the expense of the employer, such medical examinations, tests or x-rays, at such time or times and at such place or places as prescribed.

Idem

(2) No worker shall,

- (a) remove or make ineffective any protective device required by the regulations or by his employer, without providing an adequate temporary protective device and when the need for removing or making ineffective the protective device has ceased, the protective device shall be replaced immediately;
- (b) use or operate any equipment, machine, device or thing or work in a manner that may endanger himself or any other worker; or
- (c) engage in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct. 1971, c. 43, ss. 27, 29, 31 (3); 1973, c. 47, ss. 18, 19, 20, *amended*.

Duties of
owners

18.—(1) The owner of a work place that is not a project shall,

- (a) ensure that,
 - (i) such facilities as may be prescribed are provided,
 - (ii) any facilities prescribed to be provided are maintained as prescribed,
 - (iii) the work place complies with the regulations, and

- (iv) no work place is constructed, developed, reconstructed, altered or added to except in compliance with this Act and the regulations; and

- (b) where so prescribed, furnish to a Director any drawings, plans or specifications of any work place as prescribed. 1971, c. 43, s. 22.

(2) The owner of a mine shall cause drawings, plans or specifications to be maintained and kept up to a date not more than six months last past on such scale and showing such matters or things as may be prescribed. R.S.O. 1970, c. 274, s. 617, *amended*. Mine plans

(3) Where so prescribed, an owner or employer shall, Plans of work places

- (a) not begin any construction, development, reconstruction, alteration, addition or installation to or in a work place until the drawings, layout and specifications thereof and any alterations thereto have been filed with the Ministry for review by an engineer of the Ministry for compliance with this Act and the regulations, and the same have been reviewed for such compliance; and

- (b) keep a copy of the drawings as reviewed in a convenient location at or near the work place and such drawings shall be produced by the owner or employer upon the request of an inspector for his examination and inspection. 1971, c. 43, s. 17 (1, 5), *amended*.

(4) An engineer of the Ministry may require the drawings, layout and specifications to be supplemented by the owner or employer with additional information. 1971, c. 43, s. 17 Additional information

(3) (b), *amended*.

(5) Fees as prescribed for the filing and review of drawings, layout or specifications shall become due and payable by the owner or employer upon filing. 1971, c. 43, s. 17 (6), *amended*. Fees

19. Every person who supplies any machine, device, tool or equipment under any rental, leasing or similar arrangement for use in or about a work place shall ensure, Duties of suppliers

- (a) that the machine, device, tool or equipment is in good condition;

- (b) that the machine, device, tool or equipment complies with this Act and the regulations; and
- (c) if it is his responsibility under the rental, leasing or similar arrangement to do so, that the machine, device, tool or equipment is maintained in good condition. 1971, c. 43, s. 30; 1973, c. 47, s. 24 (2), *amended*.

PART IV

TOXIC SUBSTANCES

Orders of
Director

20.—(1) Where a biological, chemical or physical agent or combination of such agents is used or intended to be used in the work place and its presence in the work place or the manner of its use is in the opinion of a Director likely to endanger the health of a worker, the Director shall by notice in writing to the employer order that the use, intended use, presence or manner of use be,

- (a) prohibited;
- (b) limited or restricted in such manner as the Director specifies; or
- (c) subject to such conditions regarding administrative control, work practices, engineering control and time limits for compliance as the Director specifies.

Contents of
order

(2) Where a Director makes an order to an employer under subsection 1, the order shall,

- (a) identify the biological, chemical or physical agent, or combination of such agents, and the manner of use that is the subject-matter of the order; and
- (b) state the opinion of the Director as to the likelihood of the danger to the health of a worker, and his reasons in respect thereof, including the matters or causes which give rise to his opinion.

Posting of
order

(3) The employer shall provide a copy of an order made under subsection 1 to the committee, health and safety representative and trade union, if any, and shall cause a copy of the order to be posted in a conspicuous place in the work place where it is most likely to come to the attention of the workers who may be affected by the use, presence or intended

use of the biological, chemical or physical agent or combination of agents.

(4) Where the employer, a worker or a trade union considers that he or it is aggrieved by an order made under subsection 1, the employer, worker or trade union may by notice in writing given within fourteen days of the making of the order appeal to the Minister. Appeal to Minister

(5) The Minister may, having regard to the circumstances, direct that an appeal under subsection 4 be determined on his behalf by a person appointed by him for that purpose. Delegation

(6) The Minister or, where a person has been appointed under subsection 5, the person so appointed, may give such directions and issue such orders as he considers proper or necessary concerning the procedures to be adopted or followed and shall have all the powers of a chairman of a board of arbitration under subsection 7 of section 37 of *The Labour Relations Act*. Procedure
R.S.O. 1970,
c. 232

(7) On an appeal, the Minister or, where a person has been appointed under subsection 5, the person so appointed, may substitute his findings for those of the Director and may rescind or affirm the order appealed from or make a new order in substitution therefor and such order shall stand in the place of and have the like effect under this Act and the regulations as the order of the Director, and such order shall be final and not subject to appeal under this section. Substitution of findings

(8) In making a decision or order under subsection 1 or subsection 7, a Director, the Minister, or, where a person has been appointed under subsection 5, the person so appointed, shall consider as relevant factors, Matters to be considered

- (a) the relation of the agent, combination of agents or by-product to a biological or chemical agent that is known to be a danger to health;
- (b) the quantities of the agent, combination of agents or by-product used or intended to be used or present;
- (c) the extent of exposure;
- (d) the availability of other processes, agents or equipment for use or intended use;

(e) data regarding the effect of the process or agent on health; and

(f) any criteria or guide with respect to the exposure of a worker to a biological, chemical or physical agent or combination of such agents that are adopted by a regulation related.

Suspension
of order by
Minister.
etc..
pending
disposition
of appeal

(9) On an appeal under subsection 4, the Minister or, where a person has been appointed under subsection 5, the person so appointed, may suspend the operation of the order appealed from pending the disposition of the appeal.

Remunera-
tion of
appointee
R.S.O. 1970.
c. 232

(10) A person appointed under subsection 5 shall be paid remuneration and expenses at the same rate as is payable to a chairman of a conciliation board under *The Labour Relations Act*.


Applica-
tion

(11) This section does not apply to designated sub-
stances.

No hearing
required
prior to
issuing
order

(12) A Director is not required to hold or afford to an employer or any other person an opportunity for a hearing before making an order under subsection 1. *New.*

New
biological
or chemical
agents

 **21.**—(1) Except for purposes of research and development, no person shall,

(a) manufacture;

(b) distribute; or

(c) supply,

for commercial or industrial use in a work place any new biological or chemical agent or combination of such agents unless he first submits to a Director notice in writing of his intention to manufacture, distribute or supply such new agent or combination of such agents and the notice shall include the ingredients of such new agent or combination of agents and their common or generic name or names and the composition and properties thereof.

Report on
assessment

(2) Where, in the opinion of the Director, which opinion shall be made promptly, the introduction of the new biological or chemical agent or combination of such agents referred to in subsection 1 may endanger the health or safety of the workers in a work place, the Director shall require the manufacturer,

distributor or supplier, as the case may be, to provide, at the expense of the manufacturer, distributor or supplier, a report or assessment, made or to be made by a person possessing such special, expert or professional knowledge or qualifications as are specified by the Director, of the agent or combination of agents intended to be manufactured, distributed or supplied and the manner of use including, the matters referred to in subclauses i to vii of clause *l* of subsection 1 of section 28.

(3) For the purpose of this section, “new biological or chemical agent or combination of such agents” means any such agent or combination of such agents other than those used in one or more work places and included in an inventory compiled or adopted by the Ministry. *New.*

Interpre-
tation

22. Prior to a substance being designated under paragraph 23 of subsection 2 of section 41, the Minister,

Designation
of
substances

- (a) shall publish in *The Ontario Gazette* a notice stating that the substance may be designated and calling for briefs or submissions in relation to the designation; and
- (b) shall publish in *The Ontario Gazette* a notice setting forth the proposed regulation relating to the designation of the substance at least sixty days before the regulation is filed with the Registrar of Regulations. *New.*

PART V

REFUSAL TO WORK WHERE HEALTH OR SAFETY IN DANGER

23.—(1) Where a worker has reason to believe that,

Duty to
report
unsafe
conditions

- (a) any equipment, machine, device or thing he is to use or operate is likely to endanger himself or another person; or
- (b) the work place or the part thereof in which he is to work is likely to endanger himself,

the worker may refuse to use, operate or continue to use or operate the equipment, machine, device or thing or work in the work place and shall forthwith report the same to his supervisor who shall forthwith investigate the matter in the presence of the worker and the worker shall remain in a

safe place near his work station during the investigation. 1971, c. 43, s. 31 (1, 2); 1976, c. 79, s. 5 (1), *amended*.

Dispute of
super-
visor's
report

(2) Where upon the investigation the worker disputes the direction or finding of the supervisor, the supervisor shall cause the same to be further investigated in the presence of the worker and if there is such, in the presence of one of,

(a) a health and safety representative, if any;

(b) a committee member who represents workers, if any; or

(c) a worker, who because of his knowledge, experience and training, is selected by a trade union that represents the worker, or if there is no trade union, is selected by the workers to represent them,

and who is reasonably available and in the presence of the employer or a person other than the supervisor representing the employer.

Refusal
to work

(3) Where upon an investigation the employer or the person representing the employer disputes the report of the worker or takes steps to deal with the circumstances that caused the worker to make the report, the worker may continue to refuse to work where the worker continues to have reason to believe that the equipment, machine, device or thing the worker is to use or operate or the work place in which the worker is to work comes within clause a or b of subsection 1.

Notice of
refusal to
work

(4) Where a worker refuses to work pursuant to subsection 3, the employer shall immediately cause an inspector to be notified thereof.

Idem

(5) The worker who refuses to work pursuant to subsection 3 or, if there is such, the person mentioned in clause a, b or c of subsection 2, may cause an inspector to be notified of the refusal to work.

Investiga-
tion by
inspector

(6) An inspector shall investigate the refusal to work in the presence of the employer or a person representing the employer, the worker, and if there is such, the person mentioned in clause a, b or c of subsection 2.

Decision of
inspector

(7) The inspector shall, following the investigation referred to in subsection 6, decide whether the machine, device, thing or the work place or part thereof is likely to endanger the worker or another person. 1976, c. 79, s. 3 (2-4), *amended*.

(8) The inspector shall give his decision, in writing, as ^{Idem} soon as is practicable, to the employer, the worker, and, if there is such, the person mentioned in clause *a*, *b* or *c* of subsection 2.

(9) Pending the investigation and decision of the inspector, the worker shall remain at a safe place near his work station during his normal working hours unless the employer, subject to the provisions of a collective agreement, if any, ^{Worker to remain at a safe place pending decision}

(a) assigns the worker reasonable alternative work during such hours; or

(b) subject to section 24, where an assignment of reasonable alternative work is not practicable, gives other directions to the worker.

(10) Pending the investigation and decision of the inspector, no worker shall be assigned to use or operate the equipment, machine, device or thing or to work in the work place or the part thereof which is being investigated unless the worker to be so assigned has been advised of the refusal by another worker and the reason therefor. ^{Duty to advise other workers}

(11) The time spent by a person mentioned in clause *a*, *b* or *c* of subsection 2 in carrying out his duties under subsections 2 and 6, shall be deemed to be work time for which the person shall be paid by his employer at his regular or premium rate as may be proper. ^{Entitlement to time from work} *New.*

PART VI

REPRISALS BY EMPLOYER PROHIBITED

24.—(1) No employer or person acting on behalf of an employer shall, ^{No discipline, dismissal, etc., by employer}

(a) dismiss or threaten to dismiss a worker;

(b) discipline or suspend or threaten to discipline or suspend a worker;

(c) impose any penalty upon a worker; or

(d) intimidate or coerce a worker,

because the worker has acted in compliance with this Act or the regulations or an order made thereunder or has sought the enforcement of this Act or the regulations. 1971, c. 43, s. 24 (5); 1973, c. 47, s. 17 (4); 1976, c. 79, s. 9 (1), *amended.*

Arbitra-
tion

(2) Where a worker complains that an employer or person acting on behalf of an employer has contravened subsection 1, the worker may either have the matter dealt with by final and binding settlement by arbitration under a collective agreement, if any, or file a complaint with the Ontario Labour Relations Board in which case any regulations governing the practice and procedure of the Board apply, with all necessary modifications, to the complaint.

Inquiry
by Ontario
Labour
Relations
Board
R.S.O. 1970.
c. 232

(3) The Ontario Labour Relations Board may inquire into any complaint filed under subsection 2, and section 79 of *The Labour Relations Act*, except subsection 4a, applies with all necessary modifications, as if such section, except subsection 4a, is enacted in and forms part of this Act.

Idem

(4) On an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection 2, sections 91, 92, 95, 97 and 98 of *The Labour Relations Act* apply, with all necessary modifications.

Onus of
proof

(5) On an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection 2, the burden of proof that an employer or person acting on behalf of an employer did not act contrary to subsection 1 lies upon the employer or the person acting on behalf of the employer. 1976, c. 79, s. 9 (2-5), *amended*.

Jurisdic-
tion when
complaint
by Crown
employee

(6) The Ontario Labour Relations Board shall exercise jurisdiction under this section on a complaint by a Crown employee that the Crown has contravened subsection 1.

Board may
substitute
penalty

(7) Where on an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection 2, the Board determines that a worker has been discharged or otherwise disciplined by an employer for cause and the contract of employment or the collective agreement, as the case may be, does not contain a specific penalty for the infraction, the Board may substitute such other penalty for the discharge or discipline as to the Board seems just and reasonable in all the circumstances. *New*.

PART VII

NOTICES

Notice of
death or
injury

25.—(1) Where a person is killed or critically injured from any cause at a work place, the constructor, if any, and the employer shall notify an inspector, and the committee,

health and safety representative and trade union, if any, immediately of the occurrence by telephone, telegram or other direct means and the employer shall, within forty-eight hours after the occurrence, send to a Director a written report of the circumstances of the occurrence containing such information and particulars as the regulations may prescribe.

(2) Where a person is killed or is critically injured at a work place no person shall, except for the purpose of, Preservation of wreckage

- (a) saving life or relieving human suffering;
- (b) maintaining an essential public utility service or a public transportation system; or
- (c) preventing unnecessary damage to equipment or other property,

interfere with, disturb, destroy, alter or carry away any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do has been given by an inspector. R.S.O. 1970, c. 274, s. 612; 1971, c. 43, s. 33; 1973, c. 47, s. 25, *amended*.

26.—(1) Where an accident, explosion or fire causes injury to a person at a work place whereby he is disabled from performing his usual work or requires medical attention, and such occurrence does not cause death or critical injury to any person, the employer shall give notice in writing, within four days of the occurrence, to a Director, and to the committee, health and safety representative and trade union, if any, containing such information and particulars as may be prescribed. R.S.O. 1970, c. 274, s. 613; 1971, c. 43, s. 34; 1973, c. 47, s. 30, *amended*. Notice of accident, explosion or fire causing injury

(2) Where an employer is advised by a worker or by a person on behalf of the worker that the worker has an occupational illness, the employer shall give notice in writing, within four days of being so advised, to a Director and to the committee, health and safety representative and trade union, if any, containing such information and particulars as may be prescribed. 1971, c. 43, s. 34, *part, amended*. Notice of occupational illness

(3) Subsection 2 applies, with all necessary modifications, where an employer is advised by a former worker of the employer or a person on behalf of such worker, that such worker has or had an occupational illness. *New.* Idem

27. Where a notice or report is not required under section 25 or 26 and an accident, premature or unexpected Accidents, explosions, etc., at a project site or mine

explosion, fire, flood or inrush of water, failure of any equipment, machine, device, article or thing, cave-in, subsidence, rockburst, or other incident as prescribed occurs at a project site, mine or mining plant, notice in writing of the occurrence shall be given to a Director and to the committee, health and safety representative and trade union, if any, by the constructor of the project or the owner of the mine or mining plant within two days of the occurrence containing such information and particulars as may be prescribed. R.S.O. 1970, c. 274, s. 614, *amended*.

PART VIII

ENFORCEMENT

Powers of
inspector

28.—(1) An inspector may, for the purposes of carrying out his duties and powers under this Act and the regulations,

- (a) subject to subsection 2, enter in or upon any work place at any time without warrant or notice;
- (b) take up or use any machine, device, article, thing, material or biological, chemical or physical agent or part thereof;
- (c) require the production of any drawings, specifications, licence, document, record or report, and inspect, examine and copy the same;
- (d) upon giving a receipt therefor, remove any drawings, specifications, licence, document, record or report inspected or examined for the purpose of making copies thereof or extracts therefrom, and upon making copies thereof or extracts therefrom, shall promptly return the same to the person who produced or furnished them;
- (e) conduct or take tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a work place and for such purposes, take and carry away such samples as may be necessary;
- (f) in any inspection, examination, inquiry or test, be accompanied and assisted by or take with him any person or persons having special, expert or professional knowledge of any matter, take photographs, and take with him and use any equipment or materials required for such purpose;

- (g) make inquiries of any person who is or was in a work place either separate and apart from another person or in the presence of any other person that are or may be relevant to an inspection, examination, inquiry or test;
- (h) require that a work place or part thereof not be disturbed for a reasonable period of time for the purposes of carrying out an examination, investigation or test;
- (i) require that any equipment, machine, device, article, thing or process be operated or set in motion or that a system or procedure be carried out that may be relevant to an examination, inquiry or test;
- (j) require in writing an owner, constructor or employer to provide, at the expense of the owner, constructor or employer, a report bearing the seal and signature of a professional engineer stating,
 - (i) the load limits of a floor, roof or temporary work or part of a building, structure or temporary work,
 - (ii) that a floor, roof or temporary work is capable of supporting or withstanding the loads being applied to it or likely to be applied to it, or
 - (iii) that a floor, roof or temporary work, or part of a building, structure or temporary work is capable of supporting or withstanding all loads to which it may be subject without exceeding the allowable unit stresses for the materials used as provided under *The Building Code Act, 1974*; ^{1974, c. 74}
- (k) require in writing an owner of a mine or part thereof to provide, at his expense, a report in writing bearing the seal and signature of a professional engineer stating that the ground stability of, the mining methods and the support or rock reinforcement used in the mine or part thereof is such that a worker is not likely to be endangered; and R.S.O. 1970, c. 274, s. 618 (1) (a, b); 1971, c. 43, s. 8 (1); 1973, c. 47, s. 6 (1), *amended*.
- (l) require in writing an employer to produce any record or information, or to provide, at the ex-

pense of the employer, a report or assessment, made or to be made by a person possessing such special, expert or professional knowledge or qualifications as are specified by the inspector, of any process or biological, chemical or physical agents or combination of such agents used or intended to be used in a work place, and the manner of use including,

- (i) the ingredients thereof and their common or generic name or names,
- (ii) the composition and the properties thereof,
- (iii) the toxicological effect thereof,
- (iv) the effect of exposure thereto whether by contact, inhalation or ingestion,
- (v) the protective measures used or to be used in respect thereof,
- (vi) the emergency measures used or to be used to deal with exposure in respect thereof, and
- (vii) the effect of the use, transport and disposal thereof. *New.*

Entry to
dwellings

R.S.O. 1970,
c. 450

Repre-
sentative to
accompany
inspector

Consulta-
tion with
workers

(2) An inspector shall only enter a dwelling or that part of a dwelling actually being used as a work place with the consent of the occupier or under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*. 1971, c. 43, s. 8 (4); 1973, c. 47, s. 6 (4).

(3) Where an inspector makes an inspection of a work place under the powers conferred upon him under subsection 1, the constructor, employer or group of employers shall afford committee member representing workers or a health and safety representative, if any, or a worker selected by a trade union or trade unions, if any, because of his knowledge, experience and training, to represent it or them and, where there is no trade union, a worker selected by the workers because of his knowledge, training and experience to represent them, the opportunity to accompany the inspector during his physical inspection of a work place, or any part or parts thereof.

(4) Where there is no committee member representing workers, health and safety representative or worker selected under subsection 3, the inspector shall endeavour to consult during his physical inspection with a reasonable number of the

workers concerning matters of health and safety at their work.

(5) The time spent by a committee member representing workers, health and safety representative or worker selected in accordance with subsection 3 in accompanying an inspector during his physical inspection, shall be deemed to be work time for which he shall be paid by his employer at his regular or premium rate as may be proper. 1976, c. 79, s. 6 (1-3), *amended*. Entitlement to time from work

29.—(1) Where an inspector finds that a provision of this Act or the regulations is being contravened, he may order, orally or in writing, the owner, constructor, employer, or person whom he believes to be in charge of a work place or the person whom he believes to be the contravener to comply with the provision and may require the order to be carried out forthwith or within such period of time as the inspector specifies. R.S.O. 1970, c. 274, s. 618 (1), (c); 1971, c. 43, s. 10 (1); 1973, c. 47, s. 11 (1), *amended*. Orders by inspectors where non-compliance

(2) Where an inspector makes an oral order under subsection 1, he shall confirm the order in writing before leaving the work place. 1971, c. 43, s. 10 (2), *amended*. Idem

(3) An order made under subsection 1 shall indicate generally the nature of the contravention and where appropriate the location of the contravention. 1973, c. 47, s. 11 (2), *amended*. Contents of order

(4) Where an inspector makes an order under subsection 1 and finds that the contravention of this Act or the regulations is a danger or hazard to the health or safety of a worker he may, Orders by inspector where worker endangered

- (a) order that any place, equipment, machine, device, article or thing or any process or material shall not be used until the order is complied with;
- (b) order that work at the work place as indicated in the order shall stop until the order is complied with, or until the order to stop work is withdrawn or cancelled by an inspector;
- (c) order that the work place where the contravention exists be cleared of workers and isolated by barricades, fencing or any other means suitable to prevent access thereto by a worker until the danger or hazard to the health or safety of a worker is

removed. 1971, c. 43, s. 10 (3), *amended*; 1973, c. 47, s. 11 (3, 4), *amended*.

Posting of
notice

(5) Where an inspector makes an order under this section, he may affix to the work place, or to any equipment, machine, device, article or thing, a copy thereof or a notice in the prescribed form and no person, except an inspector, shall remove such copy or notice unless authorized to do so by an inspector. 1971, c. 43, s. 10 (4); 1973, c. 47, s. 11 (6), *amended*.

Idem

(6) Where an inspector makes an order in writing or issues a report of his inspection to an owner, constructor, employer or person in charge of the work place, the owner, constructor, employer or person in charge of the work place shall forthwith cause a copy or copies thereof to be posted in a conspicuous place or places at the work place where it is most likely to come to the attention of the workers and shall furnish a copy of such order or report to the health and safety representative and the committee, if any, and the inspector shall cause a copy thereof to be furnished to a person who has complained of a contravention of this Act or the regulations. 1976, c. 79, s. 7, *amended*.

No hearing
required
prior to
making
order

(7) An inspector is not required to hold or afford to an owner, constructor, employer or any other person an opportunity for a hearing before making an order. *New*.

Entry into
barricaded
area

30. Where an order is made under clause *c* of subsection 4 of section 29, no owner, constructor, employer or supervisor shall require or permit a worker to enter the work place except for the purpose of doing work that is necessary or required to remove the danger or hazard and only where the worker is protected from the danger or hazard. 1973, c. 47, s. 11 (4), *part*.

Injunction
proceed-
ings

31. In addition to any other remedy or penalty therefor, where an order made under subsection 4 of section 29 is contravened, such contravention may be restrained upon an *ex parte* application to a judge or local judge of the Supreme Court made at the instance of a Director. 1973, c. 47, s. 13 (2), *amended*.

Appeals
from order
of an
inspector

32.—(1) Any employer, constructor, owner, worker or trade union which considers himself or itself aggrieved by any order made by an inspector under this Act or the regulations may, within fourteen days of the making thereof, appeal to a Director who shall hear and dispose of the appeal as promptly as is practicable.

(2) An appeal to a Director may be made in writing ^{Method} or orally or by telephone, but the Director may require the grounds for appeal to be specified in writing before the appeal is heard.

(3) The appellant, the inspector from whom the appeal ^{Parties} is taken and such other persons as a Director may specify are parties to an appeal under this section.

(4) On an appeal under this section, a Director may sub- ^{Powers of a Director} stitute his findings for those of the inspector who made the order appealed from and may rescind or affirm the order or make a new order in substitution therefor, and for such purpose has all the powers of an inspector and the order of the Director shall stand in the place of and have the like effect under this Act and the regulations as the order of the inspector.

(5) In this section, an order of an inspector under this ^{Order, extended meaning} Act or the regulations includes any order or decision made or given or the imposition of any terms or conditions therein by an inspector under the authority of this Act or the regulations or the refusal to make an order or decision by an inspector.

(6) A decision of the Director under this section is final. ^{Decision of Director final} 1971, c. 43, s. 11; 1973, c. 47, s. 12, *amended*.

(7) On an appeal under subsection 1, a Director may ^{Suspension of order by Director pending disposition of appeal} suspend the operation of the order appealed from pending the disposition of the appeal.

(8) This section does not apply to the order of a Director ^{Applica- tion} made under section 20. *New*.

33.—(1) No person shall hinder, obstruct, molest or ^{Obstruc- tion of inspector} interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act or the regulations.

(2) Every person shall furnish all necessary means in ^{Assistance to inspector} his power to facilitate any entry, inspection, examination, testing or inquiry by an inspector in the exercise of his powers or performance of his duties under this Act or the regulations.

False
informa-
tion, etc.

(3) No person shall knowingly furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of his duties under this Act or the regulations. 1971, c. 43, s. 9; 1973, c. 47, s. 7, *amended*.

Monitoring
devices

(4) No person shall interfere with any monitoring equipment or device in a work place.

Obstruc-
tion of
committee,
etc.

(5) No person shall knowingly,

- (a) hinder or interfere with a committee, a committee member or a health and safety representative in the exercise of a power or performance of a duty under this Act;
- (b) furnish a committee, a committee member or a health and safety representative with false information in the exercise of a power or performance of a duty under this Act; or
- (c) hinder or interfere with a worker selected by a trade union or trade unions or a worker selected by the workers to represent them in the exercise of a power or performance of a duty under this Act. *New*.

Informa-
tion
confidential

34.—(1) Except for the purposes of this Act and the regulations or as required by law,

- (a) an inspector, a person accompanying an inspector or a person who, at the request of an inspector, makes an examination, test or inquiry, shall not publish, disclose or communicate to any person any information, material, statement, report or result of any examination, test or inquiry acquired, furnished, obtained, made or received under the powers conferred under this Act or the regulations; 1971, c. 43, s. 13 (1); 1973, c. 47, s. 8 (1), *amended*.
- (b) no person shall publish, disclose or communicate to any person any secret manufacturing process or trade secret acquired, furnished, obtained, made or received under the provisions of this Act of the regulations; *New*.
- (c) no person to whom information is communicated under this Act and the regulations shall divulge the name of the informant to any person; and 1971, c. 43, s. 13 (5); 1973, c. 47, s. 8 (5), *amended*.

- (d) no person shall disclose any information obtained in any medical examination, test or x-ray of a worker made or taken under this Act except in a form calculated to prevent the information from being identified with a particular person or case.
New.

(2) An inspector or a person who, at the request of an inspector, accompanies an inspector, or a person who makes an examination, test, inquiry or takes samples at the request of an inspector is not a compellable witness in a civil suit or any proceeding, except an inquest under *The Coroners Act, 1972*, respecting any information, material, statement or test acquired, furnished, obtained, made or received under this Act or the regulations. 1971, c. 43, s. 13 (3); 1973, c. 47, s. 8 (3), *amended*. Compellability, civil suit
1972, c. 98

(3) A Director may communicate or allow to be communicated or disclosed information, material, statements or the result of a test acquired, furnished, obtained, made or received under this Act or the regulations. 1971, c. 43, s. 13 (4); 1973, c. 47, s. 8 (4), *amended*. Power of Director to disclose

35. A Director may, upon receipt of a request in writing from the owner of a work place who has entered into an agreement to sell the same and upon payment of the fee or fees prescribed, furnish to the owner or a person designated by him copies of reports or orders of an inspector made under this Act in respect of the work place as to its compliance with subsection 1 of section 18. 1971, c. 43, s. 14, *amended*. Copies of reports

36.—(1) No action or other proceeding for damages, prohibition, or mandamus lies or shall be instituted against a Director, an inspector, an engineer of the Ministry, a health and safety representative, a committee member, a worker selected by a trade union or trade unions or a worker selected by the workers to represent them for an act or an omission done or omitted to be done by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations. Liability of certain persons

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a Director, an inspector or an engineer of the Ministry to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. 1971, c. 43, s. 16; 1973, c. 47, s. 9, *amended*. Liability of Crown
R.S.O. 1970, c. 365

PART IX

OFFENCES AND PENALTIES

Penalties

37.—(1) Every person who contravenes or fails to comply with,

- (a) a provision of this Act or the regulations;
- (b) an order or requirement of an inspector or a Director; or
- (c) an order of the Minister,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than twelve months, or to both.

Onus of proof

(2) On a prosecution for a failure to comply with subsection 2 of section 13, subsection 2 of section 14, clause *g* of subsection 3 of section 14, subsection 1 of section 16 or clause *c* of subsection 2 of section 16, it shall be for the accused to prove that every precaution reasonable in the circumstances for the protection of a worker was taken. R.S.O. 1970, c. 274, s. 625; 1971, c. 43, s. 36; 1973, c. 47, s. 26, *amended*.

Certified copies of documents, etc., as evidence

38.—(1) In any proceeding or prosecution under this Act,

- (a) a copy of an order or decision purporting to have been made under this Act or the regulations and purporting to have been signed by the Minister or an inspector;
- (b) a document purporting to be a copy of a notice, drawing, record or other document, or any extract therefrom given or made under this Act or the regulations and purporting to be certified by an inspector; or
- (c) a document purporting to certify the result of a test or an analysis of a sample of air and setting forth the concentration or amount of a biological, chemical or physical agent in a work place or part thereof and purporting to be certified by an inspector,

is evidence of the order, decision, writing or document, and the facts appearing in the order, decision, writing or document without proof of the signature or official character of the person appearing to have signed the order or the certificate and without further proof. 1971, c. 43, s. 41; 1973, c. 47, s. 27, *amended*.

(2) In any proceeding or prosecution under this Act, a copy of an order or decision purporting to have been made under this Act or the regulations and purporting to have been signed by the Minister, a Director or an inspector may be served, Service of orders and decisions

- (a) personally in the case of an individual or in case of a partnership upon a partner, and in the case of a corporation, upon the president, vice-president, secretary, treasurer or a director, or upon the manager or person in charge of the work place; or
- (b) by registered letter addressed to a person or corporation mentioned in clause *a* at his or its last known place of business,

and the same shall be deemed to be good and sufficient service thereof. *New.*

39. An information in respect of an offence under this Act may, at the election of the informant, be heard, tried and determined by a justice of the peace or a provincial court judge of the Provincial Court (Criminal Division) having jurisdiction in the county or district in which the accused is resident or carries on business although the subject-matter of the information did not arise in that county or district. 1973, c. 47, s. 28. Place of trial

40. No prosecution under this Act shall be instituted more than one year after the last act or default upon which the prosecution is based occurred. 1971, c. 43, s. 37. Limitation on prosecutions



PART X

REGULATIONS

41.—(1) The Lieutenant Governor in Council may make such regulations as are advisable for the health or safety of persons in or about a work place. 1971, c. 43, s. 45 (1); 1973, c. 47, s. 31 (1), *amended*. Regulations

(2) Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations, Idem

- 1. defining any word or expression used in this Act or the regulations that is not defined in this Act for the purposes of the Act and the regulations;

2. designating or defining any industry, work place, employer or class of work places or employers for the purposes of this Act, a part of this Act, or the regulations or any provision thereof;
-  3. exempting any work place, industry, activity, business, work, trade, occupation, profession, constructor, employer or any class thereof from the application of a regulation or any provision thereof;
4. limiting or restricting the application of a regulation or any provision thereof to any work place, industry, activity, business, work, trade, occupation, profession, constructor, employer or any class thereof; 
5. prescribing forms and providing for their use;
6. providing for and prescribing fees and the payment or refund of fees;
7. requiring and prescribing notices that shall be posted in one or more languages;
8. prescribing the records that shall be made and kept by owners and employers;
9. requiring an owner, employer or constructor to transmit to a Director such notices, returns and reports and such information and particulars therein as are prescribed;
10. prescribing the kind of accident, explosion, fire, flood or inrush of water, failure of equipment, machine, device or thing, cave-in, subsidence, rock-burst or other incident of which notice is to be given under section 27;
11. requiring the submission of drawings, specifications, reports, details of procedures and other information as are prescribed and prescribing by whom such information shall be prepared or certified;
12. prescribing the qualifications of any person required to prepare or certify such information as may be required under a regulation made pursuant to paragraph 11;
13. regulating or prohibiting the installation or use of any machine, device or thing or any class thereof;

14. requiring that any equipment, machine, device, article or thing used bear the seal of approval of an organization designated by the regulations to test and approve the equipment, machine, device, article or thing and designating organizations for such purposes;
15. requiring and regulating equipment, materials and protective devices or clothing for workers;
16. requiring that a worker shall be a competent person;
17. prescribing measures and procedures to be carried out in a work place;
18. regulating or prohibiting the handling of, exposure to, use and disposal of any material, biological, chemical or physical agent or combination thereof or thing in a work place;
19. respecting medical examinations, tests or x-rays of workers and the reports to be made of such examinations;
20. respecting the reporting by physicians and others of workers affected by any biological, chemical or physical agents or combination thereof;
21. regulating or prohibiting atmospheric conditions, to which any worker may be exposed in a work place;
22. prescribing methods, standards or procedures for determining the amount, concentration or level of any atmospheric condition or any biological, chemical or physical agent, or combination thereof in a work place;
23. prescribing any biological, chemical or physical agent or combination thereof as a designated substance;
24. prohibiting, regulating, restricting, limiting or controlling the handling of, exposure to, or the use and disposal of a designated substance;
25. requiring the maintenance and keeping of a record or records of biological, chemical or physical agents,

the use thereof, the disposal thereof, and the exposure of workers thereto;

26. requiring and regulating the establishment of an occupational health service by an employer or person in charge of a work place or by a group of employers or persons in charge of a work place and the maintenance thereof in accordance with standards as prescribed;
27. respecting the provision of suitable facilities for medical treatment in cases of accident or sickness and for the supervision of the general health of employees during working hours;
28. respecting the prevention or control of fire in a work place and protection therefrom;
29. respecting the provision and maintenance of any sanitary convenience or welfare provision in a work place;
30. respecting the provision of suitable facilities in a work place for handicapped persons;
31. adopting by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code and requiring compliance with any code that is so adopted;
32. requiring and providing for the registration of employers of workers;
33. prescribing the minimum age for a worker or person in any work place or class of work places;
34. requiring an employer or supervisor to provide a worker with written instructions as to the measures and procedures to be taken for the protection of a worker;
35. requiring a constructor to appoint a superintendent for a project as prescribed;
36. adopting by reference any criteria or guide in relation to the exposure of a worker to any biological, chemical or physical agent or combination thereof;

37. enabling the Director by notice in writing to designate that any part of a project shall be an individual project for the purposes of this Act and the regulations and prescribing to whom notice shall be given.
38. permitting the Minister to approve laboratories for the purpose of carrying out and performing sampling, analyses, tests, and examinations; and
39. requiring that sampling, analyses, examinations, and tests be carried out and performed by a laboratory approved by the Minister. 1971, c. 43, s. 45 (2); 1973, c. 47, s. 31 (2), *amended*.

42. The following are repealed:

Repeals

1. *The Construction Safety Act, 1973*, being chapter 47.
2. *The Industrial Safety Act, 1971*, being chapter 43.
3. *The Industrial Safety Amendment Act, 1972*, being chapter 122.
4. *The Industrial Safety Amendment Act, 1974*, being chapter 104.
5. Part IX of *The Mining Act*, except,
 - i. Subsection 1 of section 176,
 - ii. Clauses *d*, *e* and *f* of subsection 2 of section 176, and
 - iii. Sections 611 and 616,
 being chapter 274 of the Revised Statutes of Ontario, 1970.
6. *The Silicosis Act*, being chapter 438 of the Revised Statutes of Ontario, 1970.
7. Section 78 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.
8. *The Employees' Health and Safety Act, 1976*, being chapter 79.
9. Section 10 of *The Ministry of Labour Act*, being chapter 117 of the Revised Statutes of Ontario, 1970.

Commence-
ment

43. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

44. The short title of this Act is *The Occupational Health and Safety Act, 1978*.

Occupational Health and Occupational
Safety of Workers

1st Reading

February 21st, 1978

2nd Reading

February 21st, 1978

3rd Reading

THE HON. B. STEPHENSON
Minister of Labour

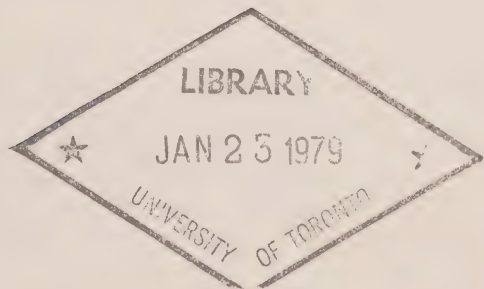
(*Reprinted as amended by the
Resources Development Committee*)

BILL 70

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act respecting the
Occupational Health and Occupational Safety of Workers**

THE HON. R. G. ELGIE
Minister of Labour



TORONTO

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BILL 70

1978

An Act respecting the Occupational Health and Occupational Safety of Workers

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

1. "committee" means a joint health and safety committee established under this Act; 1976, c. 79, s. 1 (a), *amended*.
2. "competent person" means a person who,
 - i. is qualified because of his knowledge, training and experience to organize the work and its performance,
 - ii. is familiar with the provisions of this Act and the regulations that apply to the work, and
 - iii. has knowledge of any potential or actual danger to health or safety in the work place; *New*.
3. "construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, land clearing, earth moving, grading, excavating, trenching, digging, boring, drilling, blasting, or concreting, the installation of any machinery or plant, and any work or undertaking in connection with a project; 1973, c. 47, s. 1 (d), *amended*.
4. "constructor" means a person who undertakes a project for an owner and includes an owner who undertakes all or part of a project by himself or by more than one employer; 1973, c. 47, s. 1 (e), *amended*.

5. "Deputy Minister" means the Deputy Minister of Labour; 1973, c. 47, s. 1 (*f*).
6. "designated substance" means a biological, chemical or physical agent or combination thereof prescribed as a designated substance to which the exposure of a worker is prohibited, regulated, restricted, limited or controlled; *New*.
7. "Director" means an inspector who is appointed under this Act as a Director of the Occupational Health and Safety Division of the Ministry; 1971, c. 43, s. 1 (*da*); 1972, c. 122, s. 1, *amended*.
8. "employer" means a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services; 1971, c. 43, s. 1 (*e*); 1973, c. 47, s. 1 (*h*), *amended*.
9. "engineer of the Ministry" means a person who is employed by the Ministry and who is registered as a professional engineer or licensed as a professional engineer under *The Professional Engineers Act*; 1971, c. 43, s. 1 (*g*), *amended*.
10. "factory" means,
 - i. a building or place other than a mine, mining plant or place where homework is carried on, where,
 - A. any manufacturing process or assembling in connection with the manufacturing of any goods or products is carried on,
 - B. in preparing, inspecting, manufacturing, finishing, repairing, warehousing, cleaning or adapting for hire or sale any substance, article or thing, energy is,
 1. used to work any machinery or device, or
 2. modified in any manner,

- C. any work is performed by way of trade or for the purposes of gain in or incidental to the making of any goods, substance, article or thing or part thereof,
 - D. any work is performed by way of trade or for the purposes of gain in or incidental to the altering, demolishing, repairing, maintaining, ornamenting, finishing, storing, cleaning, washing or adapting for sale of any goods, substance, article or thing, or
 - E. aircraft, locomotives or vehicles used for private or public transport are maintained,
- ii. a laundry including a laundry operated in conjunction with,
- A. a public or private hospital,
 - B. a hotel, or
 - C. a public or private institution for religious, charitable or educational purposes, and
- iii. a logging operation; 1971, c. 43, s. 1 (*h*), *amended*.
11. "health and safety representative" means a health and safety representative selected under this Act; 1976, c. 79, s. 1 (*d*), *amended*.
12. "homework" means the doing of any work in the manufacture, preparation, improvement, repair, alteration, assembly or completion of any article or thing or any part thereof by a person for wages in premises occupied primarily as living accommodation; 1971, c. 43, s. 1 (*i*).
13. "industrial establishment" means an office building, factory, arena, shop or office, and any land, buildings and structures appertaining thereto; 1971, c. 43, s. 1 (*j*); 1974, c. 104, s. 1 (*i*), *amended*.
14. "inspector" means an inspector appointed for the purposes of this Act and includes a Director; 1971, c. 43, s. 1 (*k*); 1973, c. 47, s. 1 (*i*), *amended*.

15. "logging" means the operation of felling or trimming trees for commercial or industrial purposes and includes the measuring, storing, transporting or floating of logs and any such activities for the clearing of land; 1971, c. 43, s. 1 (*kb*); 1974, c. 104, s. 1 (2), *amended*.
16. "mine" means any work or undertaking for the purpose of opening up, proving, removing or extracting any metallic or non-metallic mineral or mineral-bearing substance, rock, earth, clay, sand or gravel; R.S.O. 1970, c. 274, s. 169 (1) (*d*), *amended*.
17. "mining plant" means any roasting or smelting furnace, concentrator, mill or place used for or in connection with washing, crushing, grinding, sifting, reducing, leaching, roasting, smelting, refining, treating or research on any substance mentioned in paragraph 16; R.S.O. 1970, c. 274, s. 169 (1) (*g*), *amended*.
18. "Minister" means the Minister of Labour; 1971, c. 43, s. 1 (*l*); 1973, c. 47, s. 1 (*j*).
19. "Ministry" means the Ministry of Labour;
20. "occupational illness" means a condition that results from exposure in a work place to a physical, chemical or biological agent to the extent that the normal physiological mechanisms are affected and the health of the worker is impaired thereby and includes an industrial disease as defined by *The Workmen's Compensation Act; New*.
21. "owner" includes a trustee, receiver, mortgagee in possession, tenant, lessee, or occupier of any lands or premises used or to be used as a work place, and a person who acts for or on behalf of an owner as his agent or delegate; R.S.O. 1970, c. 274, s. 1, par. 18; 1971, c. 43, s. 1 (*n*); 1973, c. 47, s. 1 (*l*), *amended*.
22. "prescribed" means prescribed by a regulation made under this Act; *New*.
23. "project" means a construction project, whether public or private, including,
 - i. the construction of a building, bridge, structure, industrial establishment, mining plant, shaft, tunnel, caisson, trench, excavation, highway, railway, street, runway, parking

lot, cofferdam, conduit, sewer, watermain, service connection, telegraph, telephone or electrical cable, pipe line, duct or well, or any combination thereof,

ii. mining development,

iii. the moving of a building or structure, and

iv. any work or undertaking, or any lands or appurtenances used in connection with construction; 1973, c. 47, s. 1 (n), *amended*.

24. "regulations" means the regulations made under this Act; 1971, c. 43, s. 1 (r); 1973, c. 47, s. 1 (o), *amended*.

25. "shop" means a building, booth or stall or a part of such building, booth or stall where goods are handled, exposed or offered for sale or where services are offered for sale; 1971, c. 43, s. 1 (s), *amended*.

26. "supervisor" means a person who has charge of a work place or authority over a worker; *New*.

27. "trade union" means a trade union as defined in *The Labour Relations Act* that has the status of exclusive bargaining agent under that Act in respect of any bargaining unit or units in a work place and includes an organization representing workers or persons to whom this Act applies where such organization has exclusive bargaining rights under any other Act in respect of such workers or persons; 1976, c. 79, s. 1 (g), *amended*. R.S.O. 1970.
c. 232

28. "work place" means any land, premises, location or thing at, upon, in or near which a worker works; *New*.

29. "worker" means a person who performs work or supplies services for monetary compensation but does not include,

i. an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program, or

ii. a patient who participates in a work or rehabilitation program in a psychiatric institution, mental health or retardation centre or

home, or rehabilitation facility. 1973, c. 47, s. 1 (*t*), *amended*.

PART I

APPLICATION

Application
to Crown

2.—(1) This Act binds the Crown and applies to an employee in the service of the Crown or an agency, board, commission or corporation that exercises any function assigned or delegated to it by the Crown. 1971, c. 43, s. 3; 1973, c. 47, s. 2 (1), *amended*.

Application
of other
Acts

(2) Notwithstanding anything in any general or special Act, the provisions of this Act and the regulations prevail. 1976, c. 79, s. 11.

Application
to private
residences

3.—(1) This Act does not apply to work performed by the owner or occupant or a servant of the owner or occupant to, in or about a private residence or the lands and appurtenances used in connection therewith.

Farming
operations

(2) Except as shall be prescribed and subject to the conditions and limitations prescribed, this Act or a Part thereof does not apply to farming operations.

Teachers,
etc.

(3) Except as shall be prescribed and subject to the conditions and limitations prescribed, this Act or a Part thereof does not apply to,

1974, c. 109

(a) a person who is employed as a teacher as defined in *The Education Act, 1974*; or

(b) a person who is employed as a member or teaching assistant of the academic staff of a university or a related institution. *New*.

PART II

ADMINISTRATION

Delegation
of powers

4. Where under this Act or the regulations any power or duty is granted to or vested in the Minister or the Deputy Minister, the Minister or Deputy Minister may in writing

delegate that power or duty from time to time to any officer or officers of the Ministry subject to such limitations, restrictions, conditions and requirements as the Minister or Deputy Minister may set out in the delegation. *New.*

5.—(1) Such persons as may be necessary to administer and enforce this Act and the regulations may be appointed as inspectors by the Deputy Minister and the Deputy Minister may designate one or more of the inspectors as a Director or Directors. 1971, c. 43, s. 6 (1, 2); 1973, c. 47, s. 4 (1, 2), *amended*. Appointment of inspectors and Directors

(2) A Director may exercise any of the powers or perform any of the duties of an inspector under this Act or the regulations. *New.* Director may act as inspector

6.—(1) The Deputy Minister shall issue a certificate of appointment, bearing his signature or a facsimile thereof, to every inspector. Certificate of appointment

(2) Every inspector, in the exercise of any of his powers or duties under this Act, shall produce his certificate of appointment upon request. 1971, c. 43, s. 7; 1973, c. 47, s. 5, *amended*. Production of certificate

7.—(1) Where the number of workers at a project regularly exceeds twenty, the constructor shall cause the workers to select at least one health and safety representative from among the workers on the project who do not exercise managerial functions. *New.* Mandatory selection of health and safety representative

(2) Where no committee has been established under section 8, or where the number of workers at a project does not regularly exceed twenty, the Minister may, by order in writing, require a constructor or an employer to cause the selection of one or more health and safety representatives for a work place or a part or parts thereof from among the workers employed at the work place or in the part or parts thereof who do not exercise managerial functions, and may provide in the order for the qualifications of such representative or representatives. Order appointing health and safety representatives

(3) The Minister may from time to time give such directions as the Minister considers advisable concerning the carrying out of the functions of a health and safety representative. 1976, c. 79, s. 5 (1), *amended*. Idem

(4) In exercising the power conferred by subsection 2, the Minister shall consider the matters set out in subsection 4 of section 8. *New.* What Minister shall consider

Selection
of
representa-
tives

(5) The selection of a health and safety representative shall be made by those workers who do not exercise managerial functions and who will be represented by the health and safety representative in the work place, or the part or parts thereof, as the case may be, or, where there is a trade union or trade unions representing such workers, by the trade union or trade unions.

Powers of
representa-
tive

(6) A health and safety representative may inspect the physical condition of the work place or the part or parts thereof for which he has been selected, as the case may be, not more often than once a month or at such intervals as a Director may direct, and it is the duty of the employer and the workers to afford the health and safety representative such information and assistance as may be required for the purpose of carrying out the inspection.

Idem

(7) A health and safety representative has power to identify situations that may be a source of danger or hazard to workers and to make recommendations or report his findings thereon to the employer, the workers and the trade union or trade unions representing the workers.

Notice of
accident,
inspection
by repre-
sentative

(8) Where a person is killed or critically injured at a work place from any cause, the health and safety representative may, subject to subsection 2 of section 25, inspect the place where the accident occurred and any machine, device or thing, and shall report his findings in writing to a Director.

Entitle-
ment to
time from
work

(9) A health and safety representative is entitled to take such time from his work as is necessary to carry out his duties under subsections 6 and 8 and the time so spent shall be deemed to be work time for which he shall be paid by his employer at his regular or premium rate as may be proper. 1976, c. 79, s. 5 (2-6), *amended*.

Additional
powers of
certain
health and
safety
representa-
tives

(10) A health and safety representative or representatives of like nature appointed or selected under the provisions of a collective agreement or other agreement or arrangement between the constructor or the employer and the workers, has, in addition to his functions and powers under the provisions of the collective agreement or other agreement or arrangement the functions and powers conferred upon a health and safety representative by subsections 6, 7 and 8. *New*.

Application

8.—(1) Subject to subsection 3, this section does not apply,

(a) to a constructor or an employer who undertakes to perform work or supply services on a project; or

(b) to an employer in respect of those workers who work,

- (i) in that part or those parts of a building used for office purposes,
- (ii) in a shop where goods or services are sold or offered for sale to the public, except any part used as a factory,
- (iii) in a building used for multiple residential accommodation,
- (iv) in a library, museum or art gallery,
- (v) in a restaurant, hotel, motel or premises for which a licence or permit has been issued under *The Liquor Licence Act, 1975* except ^{1975, c. 40} that part used as a kitchen or laundry,
- (vi) in a theatre or place of public entertainment, or
- (vii) in premises occupied and used by a fraternal or social organization or a private club.

(2) Subject to subsection 3, where,

- (a) twenty or more workers are regularly employed at a work place;
- (b) a regulation made in respect of a designated substance applies to a work place; or
- (c) an order to an employer is in effect under section 20,

Establishment
of joint
health and
safety
committees

the employer shall cause a joint health and safety committee to be established and maintained at the work place unless the Minister is satisfied that a committee of like nature or an arrangement, program or system in which the workers participate is, on the date this Act comes into force, established and maintained pursuant to a collective agreement or other agreement or arrangement and that such committee, arrangement, program or system provides benefits for the health and safety of the workers equal to, or greater than, the benefits to be derived under a committee established under this section.

(3) Notwithstanding subsections 1 and 2, the Minister ^{Minister's order} may, by order in writing, require a constructor or an em-

ployer to establish and maintain one or more joint health and safety committees for a work place or a part thereof, and may, in such order, provide for the composition, practice and procedure of any committee so established. *New.*

What
Minister
shall
consider

(4) In exercising the power conferred by subsection 3, the Minister shall consider,

- (a) the nature of the work being done;
- (b) the request of a constructor, an employer, a group of the workers or the trade union or trade unions representing the workers in a work place;
- (c) the frequency of illness or injury in the work place or in the industry of which the constructor or employer is a part;
- (d) the existence of health and safety programs and procedures in the work place and the effectiveness thereof; and
- (e) such other matters as the Minister considers advisable. 1976, c. 79, s. 4 (3), *amended*.

Composi-
tion of
committee

(5) A committee shall consist of at least two persons of whom at least half shall be workers who do not exercise managerial functions to be selected by the workers they are to represent or, where there is a trade union or trade unions representing such workers, by the trade union or trade unions.

Powers of
committee

- (6) It is the function of a committee and it has power to,
- (a) identify situations that may be a source of danger or hazard to workers;
 - (b) make recommendations to the constructor or employer and the workers for the improvement of the health and safety of workers;
 - (c) recommend to the constructor or employer and the workers the establishment, maintenance and monitoring of programs, measures and procedures respecting the health or safety of workers; and
 - (d) obtain information from the constructor or employer respecting,
 - (i) the identification of potential or existing hazards of materials, processes or equipment, and
 - (ii) health and safety experience and work practices and standards in similar or other indus-

tries of which the constructor or employer has knowledge. 1976, c. 79, s. 4 (4), *amended*.

(7) A committee shall maintain and keep minutes of its proceedings and make the same available for examination and review by an inspector. Minutes of proceedings

(8) The members of a committee who represent workers shall designate one of the members representing workers to inspect the physical condition of the work place, not more often than once a month or at such intervals as a Director may direct, and it is the duty of the employer and the workers to afford that member such information and assistance as may be required for the purpose of carrying out the inspection. Powers of designated member

(9) The members of a committee who represent workers shall designate one or more such members to investigate cases where a worker is killed or critically injured at a work place from any cause and one of those members may, subject to subsection 2 of section 25, inspect the place where the accident occurred and any machine, device or thing, and shall report his findings to a Director and to the committee. Idem
New.

(10) A constructor or an employer required to establish a committee under this section shall post and keep posted at the work place the names and work locations of the committee members in a conspicuous place or places where they are most likely to come to the attention of the workers. Posting of names and work locations

(11) A committee shall meet at least once every three months at the work place and may be required to meet by order of the Minister. 1976, c. 79, s. 4 (6, 7), *amended*. Meetings

(12) A member of a committee is entitled to such time from his work as is necessary to attend meetings of the committee and to carry out his duties under subsections 8 and 9 and the time so spent shall be deemed to be work time for which he shall be paid by his employer at his regular or premium rate as may be proper. 1976, c. 79, s. 4 (8), *amended*. Entitlement to time from work

(13) Any committee of a like nature to a committee established under this section in existence in a work place under the provisions of a collective agreement or other agreement or arrangement between a constructor or an employer and the workers, has, in addition to its functions and powers under the provisions of the collective agreement or other agreement or arrangement, the functions and powers conferred upon a committee by this section. Additional powers of certain committees

Dispute
resolution

(14) Where a dispute arises as to the application of subsection 2, or the compliance or purported compliance therewith by an employer, the dispute shall be decided by the Minister after consulting the employer and the workers or the trade union or trade unions representing the workers. *New.*

Summary
to be
furnished
R.S.O. 1970,
c. 505

9.—(1) For work places to which *The Workmen's Compensation Act* applies, the Workmen's Compensation Board, upon the request of an employer, a worker, committee, health and safety representative or trade union, shall send to the employer, and to the worker, committee, health and safety representative or trade union requesting the information an annual summary of data relating to the employer in respect of the number of work accident fatalities, the number of lost workday cases, the number of lost workdays, the number of non-fatal cases that required medical aid without lost workdays, the incidents of occupational illnesses, the number of occupational injuries, and such other data as the Board may consider necessary or advisable.

Posting of
copy of
summary

(2) Upon receipt of the annual summary, the employer shall cause a copy thereof to be posted in a conspicuous place or places at the work place where it is most likely to come to the attention of the workers. 1976, c. 79, s. 8, *amended.*

Director
to provide
information

(3) A Director shall, in accordance with the objects and purposes of this Act, ensure that persons and organizations concerned with the purposes of this Act are provided with information and advice pertaining to its administration and to the protection of the occupational health and occupational safety of workers generally. *New.*

Advisory
Council on
Occupational
Health and
Occupational
Safety

10.—(1) There shall be a council to be known as the Advisory Council on Occupational Health and Occupational Safety composed of not fewer than twelve and not more than twenty members appointed by the Lieutenant Governor in Council on the recommendation of the Minister.

Term of
office of
members

(2) The members of the Advisory Council shall be appointed for such term as the Lieutenant Governor in Council determines and shall be representative of management, labour and technical or professional persons and the public who are concerned with and have knowledge of occupational health and occupational safety.

Chairman
and vice-
chairman

(3) The Lieutenant Governor in Council shall designate a chairman and a vice-chairman of the Advisory Council from among the members appointed.

(4) The Lieutenant Governor in Council may fill any ^{Vacancies} vacancy that occurs in the membership of the Advisory Council.

(5) The remuneration and expenses of the members of the ^{Remuneration and expenses} Advisory Council shall be determined by the Lieutenant Governor in Council and shall be paid out of the moneys appropriated therefor by the Legislature.

(6) The Advisory Council, with the approval of the Minister, ^{Powers of Advisory Council} may make rules and pass resolutions governing its procedure, including the calling of meetings, the establishment of a quorum, and the conduct of meetings.

(7) The function of the Advisory Council is and it has ^{Idem} power,

(a) to make recommendations to the Minister relating to programs of the Ministry in occupational health and occupational safety; and

(b) to advise the Minister on matters relating to occupational health and occupational safety which may be brought to its attention or be referred to it.

(8) The Advisory Council shall file with the Minister not ^{Annual report} later than the 1st day of June in each year an annual report upon the affairs of the Advisory Council.

(9) The Minister shall submit the report to the Lieutenant ^{Idem} Governor in Council who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session. *New.*

11.—(1) The Minister may appoint committees, which ^{Advisory committees} are not committees as defined in paragraph 1 of section 1, or persons to assist or advise the Minister on any matter arising under this Act or to inquire into and report to the Minister on any matter that the Minister considers advisable.

(2) Any person appointed under subsection 1 who is not an officer in the public service of the Province of Ontario may be paid such remuneration and ^{Remuneration and expenses} expenses as may be from time to time fixed by the Lieutenant Governor in Council. *New.*

12.—(1) The Lieutenant Governor in Council may fix ^{Assessment to defray expenses} an amount that shall be assessed and levied by the Workmen's Compensation Board upon employers in Schedules 1

R.S.O. 1970,
c. 505

and 2 under *The Workmen's Compensation Act* to defray the expenses of the administration of this Act and the regulations and such amount shall not exceed \$4,000,000 for the fiscal year in which this Act comes into force and shall be subject to increase in each subsequent fiscal year by a sum not exceeding 10 per cent of the amount fixed for the preceding fiscal year.

Method of
collection

(2) The Workmen's Compensation Board shall add to the assessments and levies made under *The Workmen's Compensation Act* upon employers in Schedules 1 and 2 a sum calculated as a percentage of the assessments and levies and which percentage shall be determined as the proportion that the amount fixed under subsection 1 bears to the total sum that the Workmen's Compensation Board fixes and determines to be assessed for payment by employers in Schedules 1 and 2, and *The Workmen's Compensation Act* applies to such sum and to the collection and payment thereof in the same manner as to an assessment and levy made under that Act.

Idem

(3) The Workmen's Compensation Board shall collect the assessment and levy imposed under this section and shall pay the amounts so collected to the Treasurer of Ontario. 1973, c. 47, s. 29, *amended*.

PART III

DUTIES OF A CONSTRUCTOR, EMPLOYER, SUPERVISOR, WORKER, OWNER AND SUPPLIER

Duties of
constructor

13.—(1) A constructor shall ensure, on a project undertaken by the constructor that,

- (a) the measures and procedures prescribed by this Act and the regulations are carried out on the project;
- (b) every employer and every worker performing work on the project complies with this Act and the regulations; and
- (c) the health and safety of workers on the project is protected. 1973, c. 47, s. 14 (3), *amended*.

Notice of
project

(2) Where so prescribed, a constructor shall, before commencing any work on a project, give to a Director notice in writing of the project containing such information as may be prescribed. *New*.

Duties of
employers

14.—(1) An employer shall ensure that,

- (a) the equipment, materials and protective devices as prescribed are provided;
- (b) the equipment, materials and protective devices provided by him are maintained in good condition;
- (c) the measures and procedures prescribed are carried out in the work place;
- (d) the equipment, materials and protective devices provided by him are used as prescribed; and
- (e) a floor, roof, wall, pillar, support or other part of a work place is capable of supporting all loads to which it may be subjected without causing the materials therein to be stressed beyond the allowable unit stresses established under *The Building Code Act*, 1974, c. 74, 1974.

(2) Without limiting the strict duty imposed by sub- Idem section 1, an employer shall,

- (a) provide information, instruction and supervision to a worker to protect the health or safety of the worker;
- (b) when appointing a supervisor, appoint a competent person;
- (c) acquaint a worker or a person in authority over a worker with any hazard in the work and in the handling, storage, use, disposal and transport of any article, device, equipment or a biological, chemical or physical agent;
- (d) afford assistance and co-operation to a committee and a health and safety representative in the carrying out by the committee and the health and safety representative of any of their functions;
- (e) only employ in or about a work place a person over such age as may be prescribed;
- (f) not knowingly permit a person who is under such age as may be prescribed to be in or about a work place;
- (g) take every precaution reasonable in the circumstances for the protection of a worker; and
- (h) post, in the work place, a copy of this Act and any explanatory material prepared by the Ministry, both in English and the majority language of the

work place, outlining the rights, responsibilities and duties of workers.

Idem

(3) For the purposes of clause *b* of subsection 2, an employer may appoint himself as a supervisor where the employer is a competent person. 1971, c. 43, ss. 24 (1-3), *part*, 28 (1, 2); 1973, c. 47, s. 17 (1, 2), *amended*.

Idem

15.—(1) In addition to the duties imposed by section 14, an employer shall,

- (a) establish an occupational health service for workers as prescribed;
- (b) where an occupational health service is established as prescribed, maintain the same according to the standards prescribed;
- (c) keep and maintain accurate records of the handling, storage, use and disposal of biological, chemical or physical agents as prescribed;
- (d) accurately keep and maintain and make available to the worker affected such records of the exposure of a worker to biological, chemical or physical agents as may be prescribed;
- (e) notify a Director of the use or introduction into a work place of such biological, chemical or physical agents as may be prescribed;
- (f) monitor at such time or times or at such interval or intervals the levels of biological, chemical or physical agents in a work place and keep and post accurate records thereof as prescribed;
- (g) comply with a standard limiting the exposure of a worker to biological, chemical or physical agents as prescribed;
- (h) where so prescribed, only permit a worker to work or be in a work place who has undergone such medical examinations, tests or x-rays as prescribed and who is found to be physically fit to do the work in the work place; and
- (i) where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for the protection of a worker. *New.*

Idem

(2) For the purposes of clause *a* of subsection 1, a group of employers, with the approval of a Director, may act as an employer.

16.—(1) A supervisor shall ensure that a worker,

Duties of
supervisor

- (a) works in the manner and with the protective devices, measures and procedures required by this Act and the regulations; and
- (b) uses or wears the equipment, protective devices or clothing that his employer requires to be used or worn.

(2) Without limiting the duty imposed by subsection 1, a supervisor shall,

Additional
duties of
supervisor

- (a) advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware;
- (b) where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for protection of the worker; and
- (c) take every precaution reasonable in the circumstances for the protection of a worker. R.S.O. 1970, c. 274, s. 177 (6); 1971, c. 43, s. 26; 1973, c. 47, s. 17 (1, 3), *amended*.

17.—(1) A worker shall,

Duties of
workers

- (a) work in compliance with the provisions of this Act and the regulations;
- (b) use or wear the equipment, protective devices or clothing that his employer requires to be used or worn;
- (c) report to his employer or supervisor the absence of or defect in any equipment or protective device of which he is aware and which may endanger himself or another worker;
- (d) report to his employer or supervisor any contravention of this Act or the regulations or the existence of any hazard of which he knows; and
- (e) where so prescribed, have, at the expense of the employer, such medical examinations, tests or x-rays, at such time or times and at such place or places as prescribed.

(2) No worker shall,

Idem

- (a) remove or make ineffective any protective device required by the regulations or by his employer, without providing an adequate temporary protective device and when the need for removing or making

ineffective the protective device has ceased, the protective device shall be replaced immediately;

- (b) use or operate any equipment, machine, device or thing or work in a manner that may endanger himself or any other worker; or
- (c) engage in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct. 1971, c. 43, ss. 27, 29, 31 (3); 1973, c. 47, ss. 18, 19, 20, *amended*.

Duties of
owners

18.—(1) The owner of a work place that is not a project shall,

- (a) ensure that,
 - (i) such facilities as may be prescribed are provided,
 - (ii) any facilities prescribed to be provided are maintained as prescribed,
 - (iii) the work place complies with the regulations, and
 - (iv) no work place is constructed, developed, reconstructed, altered or added to except in compliance with this Act and the regulations; and
- (b) where so prescribed, furnish to a Director any drawings, plans or specifications of any work place as prescribed. 1971, c. 43, s. 22.

Mine
plans

(2) The owner of a mine shall cause drawings, plans or specifications to be maintained and kept up to a date not more than six months last past on such scale and showing such matters or things as may be prescribed. R.S.O. 1970, c. 274, s. 617, *amended*.

Plans of
work
places

- (3) Where so prescribed, an owner or employer shall,
 - (a) not begin any construction, development, reconstruction, alteration, addition or installation to or in a work place until the drawings, layout and specifications thereof and any alterations thereto have been filed with the Ministry for review by an engineer of the Ministry for compliance with this Act and the regulations; and
 - (b) keep a copy of the drawings as reviewed in a convenient location at or near the work place and

such drawings shall be produced by the owner or employer upon the request of an inspector for his examination and inspection. 1971, c. 43, s. 17 (1, 5), *amended*.

(4) An engineer of the Ministry may require the drawings, layout and specifications to be supplemented by the owner or employer with additional information. 1971, c. 43, s. 17 (3) (b), *amended*. Additional information

(5) Fees as prescribed for the filing and review of drawings, layout or specifications shall become due and payable by the owner or employer upon filing. 1971, c. 43, s. 17 (6), *amended*. Fees

19. Every person who supplies any machine, device, tool or equipment under any rental, leasing or similar arrangement for use in or about a work place shall ensure, Duties of suppliers

- (a) that the machine, device, tool or equipment is in good condition;
- (b) that the machine, device, tool or equipment complies with this Act and the regulations; and
- (c) if it is his responsibility under the rental, leasing or similar arrangement to do so, that the machine, device, tool or equipment is maintained in good condition. 1971, c. 43, s. 30; 1973, c. 47, s. 24 (2), *amended*.

PART IV

TOXIC SUBSTANCES

20.—(1) Where a biological, chemical or physical agent or combination of such agents is used or intended to be used in the work place and its presence in the work place or the manner of its use is in the opinion of a Director likely to endanger the health of a worker, the Director shall by notice in writing to the employer order that the use, intended use, presence or manner of use be, Orders of Director

- (a) prohibited;
- (b) limited or restricted in such manner as the Director specifies; or
- (c) subject to such conditions regarding administrative control, work practices, engineering control and time limits for compliance as the Director specifies.

Contents of
order

(2) Where a Director makes an order to an employer under subsection 1, the order shall,

- (a) identify the biological, chemical or physical agent, or combination of such agents, and the manner of use that is the subject-matter of the order; and
- (b) state the opinion of the Director as to the likelihood of the danger to the health of a worker, and his reasons in respect thereof, including the matters or causes which give rise to his opinion.

Posting of
order

(3) The employer shall provide a copy of an order made under subsection 1 to the committee, health and safety representative and trade union, if any, and shall cause a copy of the order to be posted in a conspicuous place in the work place where it is most likely to come to the attention of the workers who may be affected by the use, presence or intended use of the biological, chemical or physical agent or combination of agents.

Appeal to
Minister

(4) Where the employer, a worker or a trade union considers that he or it is aggrieved by an order made under subsection 1, the employer, worker or trade union may by notice in writing given within fourteen days of the making of the order appeal to the Minister.

Delegation

(5) The Minister may, having regard to the circumstances, direct that an appeal under subsection 4 be determined on his behalf by a person appointed by him for that purpose.

Procedure

(6) The Minister or, where a person has been appointed under subsection 5, the person so appointed, may give such directions and issue such orders as he considers proper or necessary concerning the procedures to be adopted or followed and shall have all the powers of a chairman of a board of arbitration under subsection 7 of section 37 of *The Labour Relations Act*.

R.S.O. 1970.
c. 232

Substitu-
tion of
findings

(7) On an appeal, the Minister or, where a person has been appointed under subsection 5, the person so appointed, may substitute his findings for those of the Director and may rescind or affirm the order appealed from or make a new order in substitution therefor and such order shall stand in the place of and have the like effect under this Act and the regulations as the order of the Director, and such order shall be final and not subject to appeal under this section.

(8) In making a decision or order under subsection 1 or subsection 7, a Director, the Minister, or, where a person has been appointed under subsection 5, the person so appointed, shall consider as relevant factors, Matters to be considered

- (a) the relation of the agent, combination of agents or by-product to a biological or chemical agent that is known to be a danger to health;
- (b) the quantities of the agent, combination of agents or by-product used or intended to be used or present;
- (c) the extent of exposure;
- (d) the availability of other processes, agents or equipment for use or intended use;
- (e) data regarding the effect of the process or agent on health; and
- (f) any criteria or guide with respect to the exposure of a worker to a biological, chemical or physical agent or combination of such agents that are adopted by a regulation.

(9) On an appeal under subsection 4, the Minister or, where a person has been appointed under subsection 5, the person so appointed, may suspend the operation of the order appealed from pending the disposition of the appeal. Suspension of order by Minister, etc., pending disposition of appeal

(10) A person appointed under subsection 5 shall be paid such remuneration and expenses as the Minister, with the approval of the Lieutenant Governor in Council, may determine. Remuneration of appointee

(11) This section does not apply to designated substances. Application

(12) A Director is not required to hold or afford to an employer or any other person an opportunity for a hearing before making an order under subsection 1. *New.* No hearing required prior to issuing order

21.—(1) Except for purposes of research and development, no person shall, New biological or chemical agents

- (a) manufacture;
- (b) distribute; or
- (c) supply,

for commercial or industrial use in a work place any new biological or chemical agent or combination of such agents unless he first submits to a Director notice in writing of his intention to manufacture, distribute or supply such new agent or combination of such agents and the notice shall include the ingredients of such new agent or combination of agents and their common or generic name or names and the composition and properties thereof.

Report on
assessment

(2) Where in the opinion of the Director, which opinion shall be made promptly, the introduction of the new biological or chemical agent or combination of such agents referred to in subsection 1 may endanger the health or safety of the workers in a work place, the Director shall require the manufacturer, distributor or supplier, as the case may be, to provide, at the expense of the manufacturer, distributor or supplier, a report or assessment, made or to be made by a person possessing such special, expert or professional knowledge or qualifications as are specified by the Director, of the agent or combination of agents intended to be manufactured, distributed or supplied and the manner of use including, the matters referred to in subclauses i to vii of clause 1 of subsection 1 of section 28.

Interpre-
tation

(3) For the purpose of this section, "new biological or chemical agent or combination of such agents" means any such agent or combination of such agents other than those used in one or more work places and included in an inventory compiled or adopted by the Ministry. *New.*

Designation
of
substances

22. Prior to a substance being designated under paragraph 14 of subsection 2 of section 41, the Minister,

- (a) shall publish in *The Ontario Gazette* a notice stating that the substance may be designated and calling for briefs or submissions in relation to the designation; and
- (b) shall publish in *The Ontario Gazette* a notice setting forth the proposed regulation relating to the designation of the substance at least sixty days before the regulation is filed with the Registrar of Regulations. *New.*

PART V

REFUSAL TO WORK WHERE HEALTH OR SAFETY IN DANGER

Application

23.—(1) This section does not apply to,

- (a) a person employed in, or who is a member of a police force, to which *The Police Act* applies;

- (b) a full-time fire fighter as defined in *The Fire Departments Act*; or R.S.O. 1970,
c. 169
- (c) a person employed in the operation of a correctional institution or facility, training school or centre, detention and observation home, or other similar institution, facility, school or home.

(2) Where circumstances are such that the life, health or Idem safety of another person or the public may be in imminent jeopardy, this section does not apply to a person employed in the operation of any of the following institutions, facilities or services whether granted aid out of moneys appropriated by the Legislature or not and whether operated for private gain or not:

1. A hospital, sanatorium, nursing home, home for the aged, psychiatric institution, mental health or mental retardation centre or a rehabilitation facility.
2. A residential group home or other facility for persons with behavioural or emotional problems or a physical, mental or developmental handicap.
3. An ambulance service or a first aid clinic or station.
4. A laboratory operated by the Crown or a laboratory licensed under *The Public Health Act*. R.S.O. 1970,
c. 377
5. Any laundry, food service, power plant or technical service or facility belonging to, or used in conjunction with, any institution, facility or service referred to in paragraphs 1 to 4. *New.*

(3) A worker may refuse to work or do particular work Refusal
to work where he has reason to believe that,

- (a) any equipment, machine, device or thing he is to use or operate is likely to endanger himself or another worker;
- (b) the physical condition of the work place or the part thereof in which he works or is to work is likely to endanger himself; or
- (c) any equipment, machine, device or thing he is to use or operate or the physical condition of the work place or the part thereof in which he works or is to work is in contravention of this Act or the regulations and such contravention is likely to endanger himself or another worker.

(4) Upon refusing to work or do particular work, the Report of
refusal to
work worker shall promptly report the circumstances of his refusal

to his employer or supervisor who shall forthwith investigate the report in the presence of the worker and, if there is such, in the presence of one of,

- (a) a committee member who represents workers, if any;
- (b) a health and safety representative, if any; or
- (c) a worker who because of his knowledge, experience and training is selected by a trade union that represents the worker, or if there is no trade union, is selected by the workers to represent them,

who shall be made available and who shall attend without delay.

Worker to
remain near
work station

(5) Until the investigation is completed, the worker shall remain in a safe place near his work station. 1971, c. 43, s. 31 (1, 2); 1976, c. 79, s. 5 (1), *amended*.

Refusal to
work following
investigation

(6) Where, following the investigation or any steps taken to deal with the circumstances that caused the worker to refuse to work or do particular work, the worker has reasonable grounds to believe that,

- (a) the equipment, machine, device or thing that was the cause of his refusal to work or do particular work continues to be likely to endanger himself or another worker;
- (b) the physical condition of the work place or the part thereof in which he works continues to be likely to endanger himself; or
- (c) any equipment, machine, device or thing he is to use or operate or the physical condition of the work place or the part thereof in which he works or is to work is in contravention of this Act or the regulations and such contravention continues to be likely to endanger himself or another worker,

the worker may refuse to work or do the particular work and the employer or the worker or a person on behalf of the employer or worker shall cause an inspector to be notified thereof.

Investiga-
tion by
inspector

(7) An inspector shall investigate the refusal to work in the presence of the employer or a person representing the employer, the worker, and if there is such, the person mentioned in clause *a*, *b* or *c* of subsection 4.

Decision of
inspector

(8) The inspector shall, following the investigation referred to in subsection 7, decide whether the machine, device,

thing or the work place or part thereof is likely to endanger the worker or another person. 1976, c. 79, s. 3 (2-4), *amended*.

(9) The inspector shall give his decision, in writing, as soon as is practicable, to the employer, the worker, and, if there is such, the person mentioned in clause *a*, *b* or *c* of subsection 4. Idem

(10) Pending the investigation and decision of the inspector, the worker shall remain at a safe place near his work station during his normal working hours unless the employer, subject to the provisions of a collective agreement, if any, Worker to remain at a safe place pending decision

(a) assigns the worker reasonable alternative work during such hours; or

(b) subject to section 24, where an assignment of reasonable alternative work is not practicable, gives other directions to the worker.

(11) Pending the investigation and decision of the inspector, no worker shall be assigned to use or operate the equipment, machine, device or thing or to work in the work place or the part thereof which is being investigated unless the worker to be so assigned has been advised of the refusal by another worker and the reason therefor. Duty to advise other workers

(12) The time spent by a person mentioned in clause *a*, *b* or *c* of subsection 4 in carrying out his duties under subsections 4 and 7, shall be deemed to be work time for which the person shall be paid by his employer at his regular or premium rate as may be proper. Entitlement to time from work

PART VI

REPRISALS BY EMPLOYER PROHIBITED

24.—(1) No employer or person acting on behalf of an employer shall, No discipline, dismissal, etc., by employer

(a) dismiss or threaten to dismiss a worker;

(b) discipline or suspend or threaten to discipline or suspend a worker;

(c) impose any penalty upon a worker; or

(d) intimidate or coerce a worker,

because the worker has acted in compliance with this Act or the regulations or an order made thereunder or has sought the enforcement of this Act or the regulations. 1971, c. 43, s. 24 (5); 1973, c. 47, s. 17 (4); 1976, c. 79, s. 9 (1), *amended*.

Arbitra-
tion

(2) Where a worker complains that an employer or person acting on behalf of an employer has contravened subsection 1, the worker may either have the matter dealt with by final and binding settlement by arbitration under a collective agreement, if any, or file a complaint with the Ontario Labour Relations Board in which case any regulations governing the practice and procedure of the Board apply, with all necessary modifications, to the complaint.

Inquiry
by Ontario
Labour
Relations
Board
R.S.O. 1970,
c. 232

(3) The Ontario Labour Relations Board may inquire into any complaint filed under subsection 2, and section 79 of *The Labour Relations Act*, except subsection 4a, applies with all necessary modifications, as if such section, except subsection 4a, is enacted in and forms part of this Act.

Idem

(4) On an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection 2, sections 91, 92, 95, 97 and 98 of *The Labour Relations Act* apply, with all necessary modifications.

Onus of
proof

(5) On an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection 2, the burden of proof that an employer or person acting on behalf of an employer did not act contrary to subsection 1 lies upon the employer or the person acting on behalf of the employer. 1976, c. 79, s. 9 (2-5), *amended*.

Jurisdic-
tion when
complaint
by Crown
employee

(6) The Ontario Labour Relations Board shall exercise jurisdiction under this section on a complaint by a Crown employee that the Crown has contravened subsection 1.

Board may
substitute
penalty

(7) Where on an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection 2, the Board determines that a worker has been discharged or otherwise disciplined by an employer for cause and the contract of employment or the collective agreement, as the case may be, does not contain a specific penalty for the infraction, the Board may substitute such other penalty for the discharge or discipline as to the Board seems just and reasonable in all the circumstances.

Exception
R.S.O. 1970,
c. 351

(8) Notwithstanding subsection 2, a person who is subject to a rule or code of discipline under *The Police Act* shall have his complaint in relation to an alleged contravention of subsection 1 dealt with under that Act. *New.*

PART VII

NOTICES

Notice of
death or
injury

25.—(1) Where a person is killed or critically injured from any cause at a work place, the constructor, if any,

and the employer shall notify an inspector, and the committee, health and safety representative and trade union, if any, immediately of the occurrence by telephone, telegram or other direct means and the employer shall, within forty-eight hours after the occurrence, send to a Director a written report of the circumstances of the occurrence containing such information and particulars as the regulations may prescribe.

(2) Where a person is killed or is critically injured at a work place no person shall, except for the purpose of, Preservation of wreckage

- (a) saving life or relieving human suffering;
- (b) maintaining an essential public utility service or a public transportation system; or
- (c) preventing unnecessary damage to equipment or other property,

interfere with, disturb, destroy, alter or carry away any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do has been given by an inspector. R.S.O. 1970, c. 274, s. 612; 1971, c. 43, s. 33; 1973, c. 47, s. 25, *amended*.

26.—(1) Where an accident, explosion or fire causes injury to a person at a work place whereby he is disabled from performing his usual work or requires medical attention, and such occurrence does not cause death or critical injury to any person, the employer shall give notice in writing, within four days of the occurrence, to a Director, and to the committee, health and safety representative and trade union, if any, containing such information and particulars as may be prescribed. R.S.O. 1970, c. 274, s. 613; 1971, c. 43, s. 34; 1973, c. 47, s. 30, *amended*. Notice of accident, explosion or fire causing injury

(2) Where an employer is advised by a worker or by a person on behalf of the worker that the worker has an occupational illness, the employer shall give notice in writing, within four days of being so advised, to a Director and to the committee, health and safety representative and trade union, if any, containing such information and particulars as may be prescribed. 1971, c. 43, s. 34, *part, amended*. Notice of occupational illness

(3) Subsection 2 applies, with all necessary modifications, where an employer is advised by a former worker of the employer or a person on behalf of such worker, that such worker has or had an occupational illness. *New*. Idem

27. Where a notice or report is not required under section 25 or 26 and an accident, premature or unexpected Accidents, explosions, etc., at a project site or mine

explosion, fire, flood or inrush of water, failure of any equipment, machine, device, article or thing, cave-in, subsidence, rockburst, or other incident as prescribed occurs at a project site, mine or mining plant, notice in writing of the occurrence shall be given to a Director and to the committee, health and safety representative and trade union, if any, by the constructor of the project or the owner of the mine or mining plant within two days of the occurrence containing such information and particulars as may be prescribed. R.S.O. 1970, c. 274, s. 614, *amended*.

PART VIII

ENFORCEMENT

Powers of
inspector

28.—(1) An inspector may, for the purposes of carrying out his duties and powers under this Act and the regulations,

- (a) subject to subsection 2, enter in or upon any work place at any time without warrant or notice;
- (b) take up or use any machine, device, article, thing, material or biological, chemical or physical agent or part thereof;
- (c) require the production of any drawings, specifications, licence, document, record or report, and inspect, examine and copy the same;
- (d) upon giving a receipt therefor, remove any drawings, specifications, licence, document, record or report inspected or examined for the purpose of making copies thereof or extracts therefrom, and upon making copies thereof or extracts therefrom, shall promptly return the same to the person who produced or furnished them;
- (e) conduct or take tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a work place and for such purposes, take and carry away such samples as may be necessary;
- (f) in any inspection, examination, inquiry or test, be accompanied and assisted by or take with him any person or persons having special, expert or professional knowledge of any matter, take photographs, and take with him and use any equipment or materials required for such purpose;

- (g) make inquiries of any person who is or was in a work place either separate and apart from another person or in the presence of any other person that are or may be relevant to an inspection, examination, inquiry or test;
- (h) require that a work place or part thereof not be disturbed for a reasonable period of time for the purposes of carrying out an examination, investigation or test;
- (i) require that any equipment, machine, device, article, thing or process be operated or set in motion or that a system or procedure be carried out that may be relevant to an examination, inquiry or test;
- (j) require in writing an owner, constructor or employer to provide, at the expense of the owner, constructor or employer, a report bearing the seal and signature of a professional engineer stating,
 - (i) the load limits of a floor, roof or temporary work or part of a building, structure or temporary work,
 - (ii) that a floor, roof or temporary work is capable of supporting or withstanding the loads being applied to it or likely to be applied to it, or
 - (iii) that a floor, roof or temporary work, or part of a building, structure or temporary work is capable of supporting or withstanding all loads to which it may be subject without exceeding the allowable unit stresses for the materials used as provided under *The Building Code Act, 1974*; ^{1974, c. 74}
- (k) require in writing an owner of a mine or part thereof to provide, at his expense, a report in writing bearing the seal and signature of a professional engineer stating that the ground stability of, the mining methods and the support or rock reinforcement used in the mine or part thereof is such that a worker is not likely to be endangered; and R.S.O. 1970, c. 274, s. 618 (1) (*a, b*); 1971, c. 43, s. 8 (1); 1973, c. 47, s. 6 (1), *amended*.
- (l) require in writing an employer to produce any record or information, or to provide, at the ex-

pense of the employer, a report or assessment, made or to be made by a person possessing such special, expert or professional knowledge or qualifications as are specified by the inspector, of any process or biological, chemical or physical agents or combination of such agents used or intended to be used in a work place, and the manner of use including,

- (i) the ingredients thereof and their common or generic name or names,
- (ii) the composition and the properties thereof,
- (iii) the toxicological effect thereof,
- (iv) the effect of exposure thereto whether by contact, inhalation or ingestion,
- (v) the protective measures used or to be used in respect thereof,
- (vi) the emergency measures used or to be used to deal with exposure in respect thereof, and
- (vii) the effect of the use, transport and disposal thereof. *New.*

Entry to
dwellings

(2) An inspector shall only enter a dwelling or that part of a dwelling actually being used as a work place with the consent of the occupier or under the authority of a search warrant issued under section 16 of *The Summary Convictions Act.* 1971, c. 43, s. 8 (4); 1973, c. 47, s. 6 (4).

R.S.O. 1970,
c. 450

Representative to
accompany
inspector

(3) Where an inspector makes an inspection of a work place under the powers conferred upon him under subsection 1, the constructor, employer or group of employers shall afford a committee member representing workers or a health and safety representative, if any, or a worker selected by a trade union or trade unions, if any, because of his knowledge, experience and training, to represent it or them and, where there is no trade union, a worker selected by the workers because of his knowledge, training and experience to represent them, the opportunity to accompany the inspector during his physical inspection of a work place, or any part or parts thereof.

Consultation with
workers

(4) Where there is no committee member representing workers, health and safety representative or worker selected under subsection 3, the inspector shall endeavour to consult during his physical inspection with a reasonable number of the

workers concerning matters of health and safety at their work.

(5) The time spent by a committee member representing workers, health and safety representative or worker selected in accordance with subsection 3 in accompanying an inspector during his physical inspection, shall be deemed to be work time for which he shall be paid by his employer at his regular or premium rate as may be proper. 1976, c. 79, s. 6 (1-3), *amended*. Entitlement to time from work

29.—(1) Where an inspector finds that a provision of this Act or the regulations is being contravened, he may order, orally or in writing, the owner, constructor, employer, or person whom he believes to be in charge of a work place or the person whom he believes to be the contravener to comply with the provision and may require the order to be carried out forthwith or within such period of time as the inspector specifies. R.S.O. 1970, c. 274, s. 618 (1), (c); 1971, c. 43, s. 10 (1); 1973, c. 47, s. 11 (1), *amended*. Orders by inspectors where non-compliance

(2) Where an inspector makes an oral order under subsection 1, he shall confirm the order in writing before leaving the work place. 1971, c. 43, s. 10 (2), *amended*. Idem

(3) An order made under subsection 1 shall indicate generally the nature of the contravention and where appropriate the location of the contravention. 1973, c. 47, s. 11 (2), *amended*. Contents of order

(4) Where an inspector makes an order under subsection 1 and finds that the contravention of this Act or the regulations is a danger or hazard to the health or safety of a worker he may, Orders by inspector where worker endangered

(a) order that any place, equipment, machine, device, article or thing or any process or material shall not be used until the order is complied with;

(b) order that work at the work place as indicated in the order shall stop until the order is complied with, or until the order to stop work is withdrawn or cancelled by an inspector;

(c) order that the work place where the contravention exists be cleared of workers and isolated by barricades, fencing or any other means suitable to prevent access thereto by a worker until the danger or hazard to the health or safety of a worker is

removed. 1971, c. 43, s. 10 (3), *amended*; 1973, c. 47, s. 11 (3, 4), *amended*.

Posting of
notice

(5) Where an inspector makes an order under this section, he may affix to the work place, or to any equipment, machine, device, article or thing, a copy thereof or a notice in the prescribed form and no person, except an inspector, shall remove such copy or notice unless authorized to do so by an inspector. 1971, c. 43, s. 10 (4); 1973, c. 47, s. 11 (6), *amended*.

Idem

(6) Where an inspector makes an order in writing or issues a report of his inspection to an owner, constructor, employer or person in charge of the work place, the owner, constructor, employer or person in charge of the work place shall forthwith cause a copy or copies thereof to be posted in a conspicuous place or places at the work place where it is most likely to come to the attention of the workers and shall furnish a copy of such order or report to the health and safety representative and the committee, if any, and the inspector shall cause a copy thereof to be furnished to a person who has complained of a contravention of this Act or the regulations. 1976, c. 79, s. 7, *amended*.

No hearing
required
prior to
making
order

(7) An inspector is not required to hold or afford to an owner, constructor, employer or any other person an opportunity for a hearing before making an order. *New*.

Entry into
barricaded
area

30. Where an order is made under clause *c* of subsection 4 of section 29, no owner, constructor, employer or supervisor shall require or permit a worker to enter the work place except for the purpose of doing work that is necessary or required to remove the danger or hazard and only where the worker is protected from the danger or hazard. 1973, c. 47, s. 11 (4), *part*.

Injunction
proceed-
ings

31. In addition to any other remedy or penalty therefor, where an order made under subsection 4 of section 29 is contravened, such contravention may be restrained upon an *ex parte* application to a judge or local judge of the Supreme Court made at the instance of a Director. 1973, c. 47, s. 13 (2), *amended*.

Appeals
from order
of an
inspector

32.—(1) Any employer, constructor, owner, worker or trade union which considers himself or itself aggrieved by any order made by an inspector under this Act or the regulations may, within fourteen days of the making thereof, appeal to a Director who shall hear and dispose of the appeal as promptly as is practicable.

(2) An appeal to a Director may be made in writing or orally or by telephone, but the Director may require the grounds for appeal to be specified in writing before the appeal is heard. Method

(3) The appellant, the inspector from whom the appeal is taken and such other persons as a Director may specify are parties to an appeal under this section. Parties

(4) On an appeal under this section, a Director may substitute his findings for those of the inspector who made the order appealed from and may rescind or affirm the order or make a new order in substitution therefor, and for such purpose has all the powers of an inspector and the order of the Director shall stand in the place of and have the like effect under this Act and the regulations as the order of the inspector. Powers of a Director

(5) In this section, an order of an inspector under this Act or the regulations includes any order or decision made or given or the imposition of any terms or conditions therein by an inspector under the authority of this Act or the regulations or the refusal to make an order or decision by an inspector. Order, extended meaning

(6) A decision of the Director under this section is final. 1971, c. 43, s. 11; 1973, c. 47, s. 12, *amended*. Decision of Director final

(7) On an appeal under subsection 1, a Director may suspend the operation of the order appealed from pending the disposition of the appeal. Suspension of order by Director pending disposition of appeal

(8) This section does not apply to the order of a Director made under section 20. *New*. Application

33.—(1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act or the regulations. Obstruction of inspector

(2) Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination, testing or inquiry by an inspector in the exercise of his powers or performance of his duties under this Act or the regulations. Assistance to inspector

False
informa-
tion, etc.

(3) No person shall knowingly furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of his duties under this Act or the regulations. 1971, c. 43, s. 9; 1973, c. 47, s. 7, *amended*.

Monitoring
devices

(4) No person shall interfere with any monitoring equipment or device in a work place.

Obstruc-
tion of
committee,
etc.

(5) No person shall knowingly,

- (a) hinder or interfere with a committee, a committee member or a health and safety representative in the exercise of a power or performance of a duty under this Act;
- (b) furnish a committee, a committee member or a health and safety representative with false information in the exercise of a power or performance of a duty under this Act; or
- (c) hinder or interfere with a worker selected by a trade union or trade unions or a worker selected by the workers to represent them in the exercise of a power or performance of a duty under this Act. *New*.

Informa-
tion
confidential

34.—(1) Except for the purposes of this Act and the regulations or as required by law,

- (a) an inspector, a person accompanying an inspector or a person who, at the request of an inspector, makes an examination, test or inquiry, shall not publish, disclose or communicate to any person any information, material, statement, report or result of any examination, test or inquiry acquired, furnished, obtained, made or received under the powers conferred under this Act or the regulations; 1971, c. 43, s. 13 (1); 1973, c. 47, s. 8 (1), *amended*.
- (b) no person shall publish, disclose or communicate to any person any secret manufacturing process or trade secret acquired, furnished, obtained, made or received under the provisions of this Act or the regulations; *New*.
- (c) no person to whom information is communicated under this Act and the regulations shall divulge the name of the informant to any person; and 1971, c. 43, s. 13 (5); 1973, c. 47, s. 8 (5), *amended*.

- (d) no person shall disclose any information obtained in any medical examination, test or x-ray of a worker made or taken under this Act except in a form calculated to prevent the information from being identified with a particular person or case.
New.

(2) An inspector or a person who, at the request of an inspector, accompanies an inspector, or a person who makes an examination, test, inquiry or takes samples at the request of an inspector is not a compellable witness in a civil suit or any proceeding, except an inquest under *The Coroners Act, 1972*, respecting any information, material, statement or test acquired, furnished, obtained, made or received under this Act or the regulations. 1971, c. 43, s. 13 (3); 1973, c. 47, s. 8 (3), *amended*. Compellability, civil suit
1972, c. 98

(3) A Director may communicate or allow to be communicated or disclosed information, material, statements or the result of a test acquired, furnished, obtained, made or received under this Act or the regulations. 1971, c. 43, s. 13 (4); 1973, c. 47, s. 8 (4), *amended*. Power of Director to disclose

35. A Director may, upon receipt of a request in writing from the owner of a work place who has entered into an agreement to sell the same and upon payment of the fee or fees prescribed, furnish to the owner or a person designated by him copies of reports or orders of an inspector made under this Act in respect of the work place as to its compliance with subsection 1 of section 18. 1971, c. 43, s. 14, *amended*. Copies of reports

36.—(1) No action or other proceeding for damages, prohibition, or mandamus lies or shall be instituted against a Director, an inspector, an engineer of the Ministry, a health and safety representative, a committee member, a worker selected by a trade union or trade unions or a worker selected by the workers to represent them for an act or an omission done or omitted to be done by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations. Liability of certain persons

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a Director, an inspector or an engineer of the Ministry to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. 1971, c. 43, s. 16; 1973, c. 47, s. 9, *amended*. Liability of Crown
R.S.O. 1970, c. 365

PART IX

OFFENCES AND PENALTIES

Penalties

37.—(1) Every person who contravenes or fails to comply with,

- (a) a provision of this Act or the regulations;
- (b) an order or requirement of an inspector or a Director; or
- (c) an order of the Minister,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than twelve months, or to both.

Defence

(2) On a prosecution for a failure to comply with,

- (a) subsection 1 of section 13;
- (b) clause *b*, *c* or *d* of subsection 1 of section 14; or
- (c) subsection 1 of section 16,

it shall be a defence for the accused to prove that every precaution reasonable in the circumstances was taken. R.S.O. 1970, c. 274, s. 625; 1971, c. 43, s. 36; 1973, c. 47, s. 26, *amended*.

Accused
liable for
acts or
neglect of
managers,
agents, etc.

(3) In a prosecution of an offence under any provision of this Act, any act or neglect on the part of any manager, agent, representative, officer, director or supervisor of the accused, whether a corporation or not, shall be the act or neglect of the accused. *New*.

Certified
copies of
documents,
etc., as
evidence

38.—(1) In any proceeding or prosecution under this Act,

- (a) a copy of an order or decision purporting to have been made under this Act or the regulations and purporting to have been signed by the Minister or an inspector;
- (b) a document purporting to be a copy of a notice, drawing, record or other document, or any extract therefrom given or made under this Act or the regulations and purporting to be certified by an inspector; or
- (c) a document purporting to certify the result of a test or an analysis of a sample of air and setting

forth the concentration or amount of a biological, chemical or physical agent in a work place or part thereof and purporting to be certified by an inspector,

is evidence of the order, decision, writing or document, and the facts appearing in the order, decision, writing or document without proof of the signature or official character of the person appearing to have signed the order or the certificate and without further proof. 1971, c. 43, s. 41; 1973, c. 47, s. 27, *amended*.

(2) In any proceeding or prosecution under this Act, a copy of an order or decision purporting to have been made under this Act or the regulations and purporting to have been signed by the Minister, a Director or an inspector may be served,

Service of
orders and
decisions

(a) personally in the case of an individual or in case of a partnership upon a partner, and in the case of a corporation, upon the president, vice-president, secretary, treasurer or a director, or upon the manager or person in charge of the work place; or

(b) by registered letter addressed to a person or corporation mentioned in clause *a* at his or its last known place of business,

and the same shall be deemed to be good and sufficient service thereof. *New*.

39. An information in respect of an offence under this Act may, at the election of the informant, be heard, tried and determined by the Provincial Court having jurisdiction in the county or district in which the accused is resident or carries on business although the subject-matter of the information did not arise in that county or district. 1973, c. 47, s. 28, *amended*.

Place of
trial

40. No prosecution under this Act shall be instituted more than one year after the last act or default upon which the prosecution is based occurred. 1971, c. 43, s. 37.

Limitation
on prosecu-
tions

PART X

REGULATIONS

41.—(1) The Lieutenant Governor in Council may make such regulations as are advisable for the health or safety

Regula-
tions

of persons in or about a work place. 1971, c. 43, s. 45 (1); 1973, c. 47, s. 31 (1), *amended*.

Idem

(2) Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations,

1. defining any word or expression used in this Act or the regulations that is not defined in this Act;
2. designating or defining any industry, work place, employer or class of work places or employers for the purposes of this Act, a part of this Act, or the regulations or any provision thereof;
3. exempting any work place, industry, activity, business, work, trade, occupation, profession, constructor, employer or any class thereof from the application of a regulation or any provision thereof;
4. limiting or restricting the application of a regulation or any provision thereof to any work place, industry, activity, business, work, trade, occupation, profession, constructor, employer or any class thereof;
5. respecting any matter or thing that is required or permitted to be regulated or prescribed under this Act;
6. respecting any matter or thing, where a provision of this Act requires that the matter or thing be done, used or carried out or provided as prescribed;
7. respecting any matter or thing, where it is a condition precedent that a regulation be made prescribing the matter or thing before this Act or a provision of this Act has any effect;
8. providing for and prescribing fees and the payment or refund of fees;
9. regulating or prohibiting the installation or use of any machine, device or thing or any class thereof;
10. requiring that any equipment, machine, device, article or thing used bear the seal of approval of an organization designated by the regulations to test and approve the equipment, machine, device, article or thing and designating organizations for such purposes;
11. respecting the reporting by physicians and others of workers affected by any biological, chemical or physical agents or combination thereof;

12. regulating or prohibiting atmospheric conditions to which any worker may be exposed in a work place;
13. prescribing methods, standards or procedures for determining the amount, concentration or level of any atmospheric condition or any biological, chemical or physical agent or combination thereof in a work place;
14. prescribing any biological, chemical or physical agent or combination thereof as a designated substance;
15. prohibiting, regulating, restricting, limiting or controlling the handling of, exposure to, or the use and disposal of any designated substance;
16. adopting by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code or standard and requiring compliance with any code or standard that is so adopted;
17. adopting by reference any criteria or guide in relation to the exposure of a worker to any biological, chemical or physical agent or combination thereof;
18. enabling the Director by notice in writing to designate that any part of a project shall be an individual project for the purposes of this Act and the regulations and prescribing to whom notice shall be given;
19. permitting the Minister to approve laboratories for the purpose of carrying out and performing sampling, analyses, tests, and examinations, and requiring that sampling, analyses, examinations, and tests be carried out and performed by a laboratory approved by the Minister;
20. requiring and providing for the registration of employers of workers;
21. providing for the establishment, equipment, operation and maintenance of mine rescue stations, as the Minister may direct, and providing for the payment of the cost thereof and the recovery of such cost from the mining industry;

22. prescribing forms and notices and providing for their use; and
23. prescribing building standards for industrial establishments. 1971, c. 43, s. 45 (2); 1973, c. 47, s. 31 (2), *amended*.

Repeals

42. The following are repealed:

1. *The Construction Safety Act, 1973*, being chapter 47.
2. *The Industrial Safety Act, 1971*, being chapter 43.
3. *The Industrial Safety Amendment Act, 1972*, being chapter 122.
4. *The Industrial Safety Amendment Act, 1974*, being chapter 104.
5. Part IX of *The Mining Act*, being chapter 274 of the Revised Statutes of Ontario, 1970, except sections 176, 611 and 616.
6. *The Silicosis Act*, being chapter 438 of the Revised Statutes of Ontario, 1970.
7. Section 78 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.
8. *The Employees' Health and Safety Act, 1976*, being chapter 79.
9. Section 10 of *The Ministry of Labour Act*, being chapter 117 of the Revised Statutes of Ontario, 1970.

Commence-
ment

43. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

44. The short title of this Act is *The Occupational Health and Safety Act, 1978*.

An Act respecting the
Occupational Health and Occupational
Safety of Workers

1st Reading

February 21st, 1978

2nd Reading

February 21st, 1978

3rd Reading

December 15th, 1978

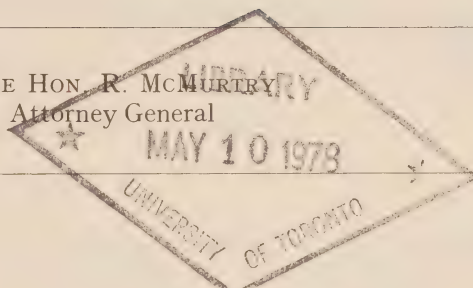
THE HON. R. G. ELGIE
Minister of Labour

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

Legislative Assembly

An Act to amend The Judicature Act

THE HON. R. MCMURTRY
Attorney General



EXPLANATORY NOTE

The amendment provides for bilingual trials in courts in designated counties and districts of Ontario. It would enable the courts to receive evidence and conduct proceedings in the French language in appropriate cases.

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 127 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, is amended by adding at the commencement thereof “Subject to subsections 2 to 8”.

s. 127,
amended

(2) The said section 127 is further amended by adding thereto the following subsections:

s. 127,
amended

- (2) The Lieutenant Governor in Council may designate,
- (a) counties and districts; and
- (b) courts in a designated county or district,

Designa-
tion of
counties
and
districts

for the purposes of this section.

(3) In a proceeding in a designated court, or in any court to which an appeal therefrom is made, the court shall, upon the application of a party who speaks the French language, direct that the hearing in the proceeding be conducted before a judge who speaks both the English and French languages or, where there is a jury, before a judge and jury who speak both the English and French languages.

Bilingual
trier of fact

(4) Except by leave of the court, an application under subsection 3 shall be made,

Time of
application

- (a) where the proceeding is in the Supreme Court or a county or district court before the giving of a jury notice or, if none, before the proceeding is set down for trial;
- (b) where the proceeding is in a court other than the Supreme Court or a county or district court, before the hearing of any evidence in the proceeding.

Hearings
in French
language

(5) Where an application is made under subsection 3, the court may further direct that the hearing or any part of the hearing be in the French language if, in the opinion of the court, the hearing or part can be so conducted effectually.

Evidence
recorded in
French

(6) Evidence given in the French language in a proceeding in respect of which a direction is made under this section shall be received and recorded in the French language and shall be transcribed in that language for the purposes of appeal.

Pleadings
in French

(7) Any document filed by a party in a proceeding in a small claims court in a designated county or district may be in the French language.

Bilingual
forms

(8) The Lieutenant Governor in Council may make regulations prescribing forms of documents or of parts of documents in both the English and the French languages for use in or relating to proceedings in designated courts and requiring their use.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Judicature Amendment Act, 1978*.

An Act to amend
The Judicature Act

1st Reading

April 25th, 1978

2nd Reading

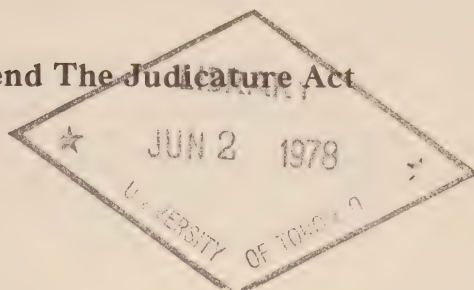
3rd Reading

THE HON. R. MCMURTRY
Attorney General

(Government Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Judicature Act



THE HON. R. MCMURTRY
Attorney General

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The amendment provides for bilingual trials in courts in designated counties and districts of Ontario. It would enable the courts to receive evidence and conduct proceedings in the French language in appropriate cases.

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 127 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, is amended by adding at the commencement thereof "Subject to subsections 2 to 9". s. 127.
amended

(2) The said section 127 is further amended by adding thereto the following subsections: s. 127.
amended

(2) The Regional Municipality of Ottawa-Carleton, The United Counties of Prescott and Russell, the United Counties of Stormont, Dundas and Glengarry and the Territorial Districts of Algoma, Cochrane, Nipissing, Sudbury and Timiskaming and such additional counties and districts as are designated by the Lieutenant Governor in Council under subsection 3 are designated counties and districts for the purposes of this section. Designated
counties
and
districts

(3) The Lieutenant Governor in Council may designate, Designation
of courts
and
additional
counties and
districts

(a) counties and districts in addition to those named in subsection 2; and

(b) courts in a designated county or district,

for the purposes of this section.

(4) In a proceeding in a designated court, or in any court to which an appeal therefrom is made, the court shall, upon the application of a party who speaks the French language, direct that the hearing in the proceeding be conducted before a judge who speaks both the English and French languages or, where there is a jury, before a judge and jury who speak both the English and French languages. Bilingual
trier of fact

Time of
application

(5) Except by leave of the court, an application under subsection 4 shall be made,

- (a) where the proceeding is in the Supreme Court or a county or district court before the giving of a jury notice or, if none, before the proceeding is set down for trial;
- (b) where the proceeding is in a court other than the Supreme Court or a county or district court, before the hearing of any evidence in the proceeding.

Hearing
in French
language

(6) Where an application is made under subsection 4 and in addition to a direction made thereunder, the court may direct,

- (a) that the hearing or any part of the hearing be in the French language if, in the opinion of the court, the hearing or part can be so conducted effectually; and
- (b) that subsection 7 apply to oral evidence given in examinations for discovery or in any other pre-hearing stage of the proceeding.

Evidence
recorded in
French

(7) Evidence given in the French language in a proceeding in respect of which a direction is made under this section shall be received and recorded in the French language and shall be transcribed in that language for all purposes.

Pleadings
in French

(8) Any document filed by a party in a proceeding in a small claims court in a designated county or district may be in the French language.

Bilingual
forms

(9) The Lieutenant Governor in Council may make regulations prescribing forms of documents or of parts of documents in both the English and the French languages for use in or relating to proceedings in designated courts and requiring their use.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Judicature Amendment Act, 1978*.

An Act to amend
The Judicature Act

1st Reading

April 25th, 1978

2nd Reading

May 11th, 1978

3rd Reading

THE HON. R. MCMURTRY
Attorney General

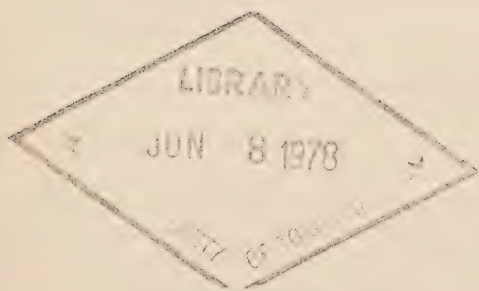
(Reprinted as amended by the
Committee of the Whole House)

B
B56

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Judicature Act

THE HON. R. MCMURTRY
Attorney General



An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 127 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, is amended by adding at the commencement thereof "Subject to subsections 2 to 9". s. 127.
amended

(2) The said section 127 is further amended by adding thereto the following subsections: s. 127.
amended

(2) The Regional Municipality of Ottawa-Carleton, The United Counties of Prescott and Russell, the United Counties of Stormont, Dundas and Glengarry and the Territorial Districts of Algoma, Cochrane, Nipissing, Sudbury and Timiskaming and such additional counties and districts as are designated by the Lieutenant Governor in Council under subsection 3 are designated counties and districts for the purposes of this section. Designated
counties
and
districts

(3) The Lieutenant Governor in Council may designate, Designation
of courts
and
additional
counties and
districts

(a) counties and districts in addition to those named in subsection 2; and

(b) courts in a designated county or district,

for the purposes of this section.

(4) In a proceeding in a designated court, or in any court to which an appeal therefrom is made, the court shall, upon the application of a party who speaks the French language, direct that the hearing in the proceeding be conducted before a judge who speaks both the English and French languages or, where there is a jury, before a judge and jury who speak both the English and French languages. Bilingual
trier of fact

Time of
application

(5) Except by leave of the court, an application under subsection 4 shall be made,

- (a) where the proceeding is in the Supreme Court or a county or district court before the giving of a jury notice or, if none, before the proceeding is set down for trial;
- (b) where the proceeding is in a court other than the Supreme Court or a county or district court, before the hearing of any evidence in the proceeding.

Hearing
in French
language

(6) Where an application is made under subsection 4 and in addition to a direction made thereunder, the court may direct,

- (a) that the hearing or any part of the hearing be in the French language if, in the opinion of the court, the hearing or part can be so conducted effectually; and
- (b) that subsection 7 apply to oral evidence given in examinations for discovery or in any other pre-hearing stage of the proceeding.

Evidence
recorded in
French

(7) Evidence given in the French language in a proceeding in respect of which a direction is made under this section shall be received and recorded in the French language and shall be transcribed in that language for all purposes.

Pleadings
in French

(8) Any document filed by a party in a proceeding in a small claims court in a designated county or district may be in the French language.

Bilingual
forms

(9) The Lieutenant Governor in Council may make regulations prescribing forms of documents or of parts of documents in both the English and the French languages for use in or relating to proceedings in designated courts and requiring their use.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Judicature Amendment Act, 1978*.

All Act to amend
The Judicature Act

1st Reading

April 25th, 1978

2nd Reading

May 11th, 1978

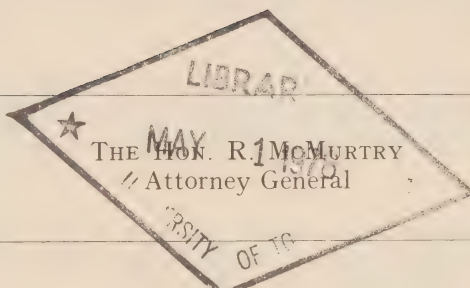
3rd Reading

May 26th, 1978

THE HON. R. McMURRY
Attorney General

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Juries Act, 1974



EXPLANATORY NOTE

This Bill is complementary to a Bill to amend *The Judicature Act* enabling bilingual trials.

The amendment requires the sheriff to identify the persons on the jury roll who are bilingual in French and English.

BILL 72

1978

An Act to amend The Juries Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Juries Act, 1974*, being chapter 63, is amended s. 8.
amended by adding thereto the following subsection:

(1a) Where the county or Supreme Court is designated in a county or district under section 127 of *The Judicature Act*, the jury roll prepared under subsection 1 shall be divided into two parts and, English and
bilingual
jury rolls
R.S.O. 1970.
c. 228

- (a) in one part the sheriff shall include those persons who appear, by the returns to jury service notices, to speak, read and understand the English language; and
- (b) in the other part the sheriff shall include those persons who appear, by the returns to jury service notices, to speak, read and understand both the English and the French languages.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Juries Amendment Act, 1978*. Short title

An Act to amend
The Juries Act, 1974

1st Reading

April 25th, 1978

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(Government Bill)

B
- B56

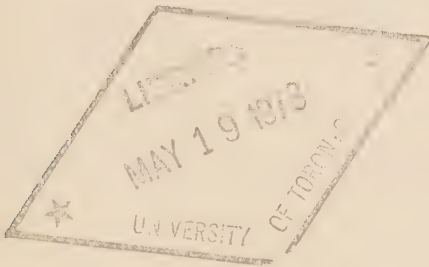
Government
Publications

BILL 72

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Juries Act, 1974

THE HON. R. MCMURTRY
Attorney General



BILL 72

1978

An Act to amend The Juries Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Juries Act, 1974*, being chapter 63, is amended s. 8.
amended by adding thereto the following subsection:

(1a) Where the county or Supreme Court is designated in a county or district under section 127 of *The Judicature Act*, the jury roll prepared under subsection 1 shall be divided into two parts and, English and
bilingual
jury rolls
R.S.O. 1970,
c. 228

(a) in one part the sheriff shall include those persons who appear, by the returns to jury service notices, to speak, read and understand the English language; and

(b) in the other part the sheriff shall include those persons who appear, by the returns to jury service notices, to speak, read and understand both the English and the French languages.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Juries Amendment Act, 1978*. Short title

An Act to amend
The Juries Act, 1974

1st Reading

April 25th, 1978

2nd Reading

May 11th, 1978

3rd Reading

May 11th, 1978

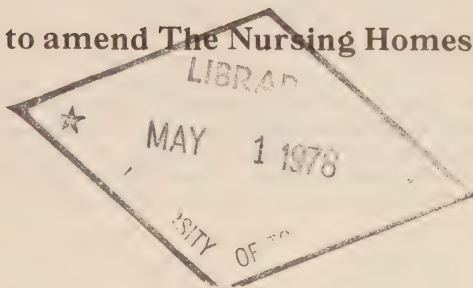
THE HON. R. MCMURRY
Attorney General

BILL 73

Private Member's Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Nursing Homes Act, 1972



Legislative Assembly

MR. COOKE

EXPLANATORY NOTE

The purpose of this Bill is to require all nursing homes licensed under *The Nursing Homes Act, 1972* to be incorporated as charitable non-profit corporations. When the Bill is enacted, the Director shall refuse to issue a licence to an applicant unless the applicant is incorporated as a charitable corporation under *The Corporations Act*. On and after January 1, 1978, the Director will refuse to renew a licence if the applicant for the licence is not a charitable corporation incorporated under that Act.

BILL 73

1978

An Act to amend The Nursing Homes Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Nursing Homes Act, 1972*, being chapter 11, as amended by the Statutes of Ontario, 1973, chapter 38, section 1, is further amended by adding thereto the following subsection: s. 4.
amended

(1d) Every applicant for a licence to establish, operate or maintain a nursing home shall be a corporation without share capital having objects of a charitable nature incorporated in accordance with Part III of *The Corporations Act* and the Director shall refuse to issue a licence unless the applicant is so incorporated. Applicant
to be cor-
poration
without
share
capital
R.S.O. 1970,
c. 89

2. Section 5 of the said Act is amended by adding thereto the following subsection: s. 5.
amended

(2) The Director shall refuse to renew a nursing home licence where the person applying for renewal of the licence is not a corporation without share capital having objects of a charitable nature incorporated in accordance with Part III of *The Corporations Act*. Renewal by
corporation
without
share
capital

3. The Director may issue a nursing home licence to an applicant who is not a corporation without share capital having objects of a charitable nature incorporated in accordance with Part III of *The Corporations Act* where the application was made prior to the day on which section 1 of this Act comes into force. Transition

- 4.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 2 comes into force on the 1st day of January, 1980. Idem

5. The short title of this Act is *The Nursing Homes Amendment Act, 1978*. Short title

An Act to amend
The Nursing Homes Act, 1972

1st Reading

April 25th, 1978

2nd Reading

3rd Reading

MR. COOKE

(Private Member's Bill)

13
1356

3
11 BILL 74

Publications

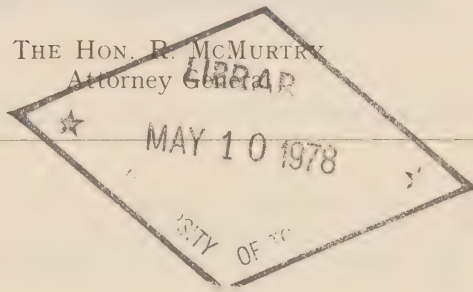
Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

Legislative Assembly

**An Act to establish a Code of Procedure for
Provincial Offences**

THE HON. R. MCMURTRY
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill provides a complete code of procedure for the prosecution of provincial offences in place of the provisions of the *Criminal Code* (Canada) adopted by the present Summary Convictions Act.

The principal changes include,

1. provision of procedures for the prosecution of provincial offences in a provincial code of procedure without reference to the *Criminal Code* (Canada)
2. provision of procedures for minor offences more appropriate to their nature and more expedient for the defendant than those for more serious criminal offences
3. provision for more alternatives in the payment and collection of fines
4. restriction on resorting to imprisonment both in sentencing and for default in payment of fines.

BILL 74

1978

An Act to establish a Code of Procedure for Provincial Offences

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—(1) In this Act,

Interpre-
tation

- (a) “certificate” means a certificate of offence issued under Part I or a certificate of parking infraction issued under Part II;
- (b) “court” means a provincial offences court;
- (c) “judge” means a provincial judge;
- (d) “justice” means a provincial judge or a justice of the peace;
- (e) “offence” means an offence under an Act of the Legislature or under a regulation or by-law made under the authority of an Act of the Legislature;
- (f) “prescribed” means prescribed by the rules of the court;
- (g) “prosecutor” means the Attorney General or, where the Attorney General does not intervene, means the person who institutes proceedings to which this Act applies and includes counsel or agent acting on behalf of either of them;
- (h) “provincial offences officer” means a police officer or a person designated under subsection 2;
- (i) “set fine” means the amount of fine set by the court for an offence for the purpose of proceedings commenced under Part I or II.

Designation
of pro-
vincial
offences
officers

(2) A minister of the Crown may designate in writing any person or class of persons as a provincial offences officer for the purposes of all or any class of offences.

Purpose of
Act

2. The purpose of this Act is to replace the summary conviction procedure for the prosecution of provincial offences, heretofore adopted by reference to the *Criminal Code* (Canada), with a new procedure that reflects the distinction between provincial offences and offences of a more criminal nature.

R.S.C. 1970.
c. C-34

PART I

COMMENCEMENT OF PROCEEDINGS BY CERTIFICATE OF OFFENCE

Certificate
of offence

3.—(1) In addition to the procedure set out in Part III for commencing a proceeding by laying an information, a proceeding in respect of an offence may be commenced by filing a certificate of offence alleging the offence in the office of the court named therein.

Issuance
and service

(2) A provincial offences officer who believes that one or more persons have committed an offence may issue, by completing and signing, a certificate of offence certifying that an offence has been committed and,

(a) an offence notice indicating the set fine for the offence;
or

(b) a summons,

in the form prescribed under section 14 and shall serve the offence notice or summons on the person charged.

Certificate
of service

(3) The provincial offences officer shall certify on the certificate of offence that he personally served the offence notice or summons on the person charged and the date of service.

Certificate
as
evidence

(4) A certificate of service of an offence notice or summons purporting to be signed by the provincial offences officer issuing it shall be received in evidence and is proof of personal service in the absence of evidence to the contrary.

Payment
of penalty

(5) The provincial offences officer who serves an offence notice or summons under this section shall not receive payment of any money in respect of a fine.

4. A certificate of offence shall be filed forthwith in the office of the court named therein. Filing of certificate of offence

5.—(1) Where an offence notice is served on a defendant, he may plead not guilty by signing the not guilty plea on the offence notice and indicate his desire in the form prescribed on the notice to appear or be represented at a trial and deliver the offence notice to the office of the court specified in the notice. Dispute with trial

(2) Where an offence notice is received under subsection 1, the clerk of the court shall, as soon as is practicable, give notice to the defendant and prosecutor of the time and place of the trial. Notice of trial

6.—(1) Where an offence notice is served on a defendant and he wishes to dispute the charge but does not wish to attend or be represented at a trial, he may sign the not guilty plea on the offence notice and deliver the offence notice to the office of the court specified in the notice together with any written explanation or submission he wishes to make. Dispute without appearance

(2) Where an offence notice is delivered under subsection 1, a justice may, in the absence of the defendant, and after considering the explanation and submissions of the defendant, direct a trial or, where no reasonable ground of defence is disclosed in the explanation or submission, convict the defendant and impose the set fine or such lesser fine as is permitted by law. Disposition

(3) Where the justice directs a trial under subsection 2, the court shall hold the trial and may, in the absence of the defendant and after considering the explanation and submissions of the defendant, acquit the defendant or convict the defendant and impose such fine as is lawful and considered just. Trial

7. Where an offence notice is served on a defendant and he does not wish to dispute the charge but wishes to make submissions as to penalty, including the extension of time for payment, he may attend at the office of the court specified in the notice during regular office hours and may appear before a justice for the purpose of pleading guilty to the offence and making submissions as to penalty, and the justice may enter a conviction and impose the set fine or such lesser fine as is permitted by law. Plea of guilty with representations

8.—(1) Where an offence notice is served on a defendant and he does not wish to dispute the charge, he may sign the plea of guilty on the offence notice and deliver the offence Payment out of court

notice and amount of the set fine to the office of the court specified in the notice.

Conviction

(2) Acceptance by the court office of payment under subsection 1 constitutes a plea of guilty whether or not the plea is signed and endorsement of payment on the certificate of offence constitutes the conviction and imposition of a fine in the amount of the set fine for the offence.

Failure to
respond to
offence
notice

9. Where the defendant does not, within fifteen days after he is served with an offence notice, deliver the offence notice to the office of the court specified in the notice or does not attend under section 7, he shall be deemed to not wish to dispute the charge and a justice may enter a conviction in his absence and without a hearing and impose the set fine for the offence.

Signature
on plea

10. A signature affixed to the form of plea of guilty or not guilty on an offence notice, purporting to be that of the defendant, is *prima facie* proof that it is the signature of that person.

Failure to
respond to
summons

11. Where, in a proceeding commenced by a certificate of offence, the defendant is served with a summons under section 3 and fails to appear in response to the summons, the court may acquit or convict the defendant in his absence under section 53 and impose a penalty under this Part.

Reopening
on failure
of notice

12. Where the defendant has not had an opportunity to dispute the charge or to appear or be represented at a hearing for the reason that through no fault of his own the delivery of a necessary notice or document failed to occur in fact, and where not more than fifteen days have elapsed since the conviction first came to the attention of the defendant, the defendant may attend at the court office during regular office hours and may appear before a justice and the justice, upon being satisfied upon affidavit evidence of such facts, shall strike out the conviction, if any, and direct a hearing.

Penalty

13. Where a proceeding is taken by means of a certificate of offence under this Part in respect of an offence that is punishable by a fine of more than \$300 or other penalty, the penalty therefor shall be a fine of not more than \$300.

Regula-
tions

14.—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the form of certificates of offence, offence notices and summonses and such other forms as are considered necessary under this Part;

(b) authorizing the use in a form prescribed under clause *a* of any word or expression to designate an offence;

(c) respecting any matter that is considered necessary to provide for the use of the forms under this Part.

(2) The use on a form prescribed under clause *a* of subsection 1 of any word or expression authorized by the regulations to designate an offence is sufficient for all purposes to describe the offence designated by such word or expression.

Sufficiency
of
abbreviated
wording

(3) Where the regulations do not authorize the use of a word or expression to describe an offence in a form prescribed under clause *a* of subsection 1, any word or expression may be used that gives the defendant reasonable notice of the offence.

Idem

PART II

COMMENCEMENT OF PROCEEDINGS FOR PARKING INFRACTIONS

15. In this Part, “parking infraction” means any unlawful parking, standing or stopping of a vehicle that constitutes an offence.

Interpre-
tation

16. Subject to the approval of the Lieutenant Governor in Council, the council of a municipality, including a regional, district or metropolitan municipality, may by by-law declare that this Part applies in respect of parking infractions that are offences under the by-laws of the municipality and, upon the approval of the by-law, this Part applies in respect of parking infractions under the by-laws occurring after the effective date of the by-law.

Municipal
by-laws

17.—(1) In addition to the procedure set out in Part III for commencing a proceeding by laying an information, a proceeding in respect of a parking infraction may be commenced by filing a certificate of the parking infraction in the office of the court named therein, within thirty days after the occurrence of the offence.

Certificate
of parking
infraction
and notice

(2) A provincial offences officer who believes from his personal knowledge that one or more persons have committed a parking infraction may issue, by completing and signing,

Issuance
and
notice

(a) a certificate of parking infraction certifying that a parking infraction has been committed; and

(b) a notice of parking infraction indicating the set fine for the infraction,

in the form prescribed under section 22.

Service of
notice

(3) The parking infraction notice may be served on the owner of the vehicle identified therein by affixing it to the vehicle in a conspicuous place or by delivering it personally to the driver of the vehicle.

Dispute
with
trial

18.—(1) Where a parking infraction notice is served, the owner of the vehicle may plead not guilty by signing the not guilty plea on the notice and indicate his desire in the form prescribed on the notice to appear or be represented at a trial and deliver it to the office of the court specified in the notice.

Notice of
trial

(2) Where a parking infraction notice is received under subsection 1, the clerk of the court shall, as soon as is practicable, give notice to the defendant and prosecutor of the time and place of the trial.

Payment
out of
court

19. Where the owner of the vehicle in respect of which a parking infraction notice is served does not wish to dispute the charge, he may deliver the notice and amount of the set fine to the address shown on the notice.

Failure
to respond
to parking
infraction
notice

20.—(1) Where no notice is delivered under section 18 within fifteen days after the service of the parking infraction notice, the owner of the vehicle shall be deemed to not wish to dispute the charge and a justice may, upon being satisfied that the person being convicted is the owner and that payment has not been made under section 19 enter a conviction in his absence and without a hearing and impose the set fine for the infraction.

Notice of
fine

(2) The clerk of the court shall give notice to the person against whom a conviction is entered under subsection 1 of the date and place of the infraction, the date of the conviction and the amount of the fine, and the fine or any part of the fine not paid within fifteen days after the giving of the notice shall be deemed to be in default.

Reopening
on failure
of notice

21. Where the defendant has not had an opportunity to dispute the charge or appear or be represented at a hearing for the reason that, through no fault of his own, the delivery of a necessary notice or document failed to occur in fact, and where not more than fifteen days have elapsed since the conviction first came to the attention of the defendant, the defendant may attend at the court office during regular office hours and may appear before a justice and the justice, upon being satisfied upon affidavit evidence of such facts, shall direct a hearing and strike out the conviction, if any.

Regula-
tions

22.—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the form of certificates of parking infractions and parking infraction notices and such other forms as are considered necessary under this Part;
- (b) authorizing the use in a form prescribed under clause *a* of any word or expression to designate a parking infraction;
- (c) respecting any matter that is considered necessary to provide for the use of the forms under this Part.

(2) The use on a form prescribed under clause *a* of subsection 1 of any word or expression authorized by the regulations to designate a parking infraction is sufficient for all purposes to describe the infraction designated by such word or expression. Sufficiency of abbreviations

(3) Where the regulations do not authorize the use of a word or expression to describe a parking infraction in a form prescribed under clause *a* of subsection 1, any word or expression may be used that gives the defendant reasonable notice of the infraction. Idem

PART III

COMMENCEMENT OF PROCEEDING BY INFORMATION

23. In addition to the procedure set out in Parts I and II for commencing a proceeding by the filing of a certificate, a proceeding in respect of an offence may be commenced by laying an information. Commencement of proceeding by information

24.—(1) Any person who, on reasonable and probable grounds, believes that one or more persons have committed an offence, may lay an information in the prescribed form and under oath before a justice alleging the offence and the justice shall receive the information. Information

(2) An information may be laid anywhere in Ontario. Idem

25.—(1) A justice who receives an information laid under section 24 shall consider the information and, where he considers it desirable to do so, hear and consider *ex parte* the allegations of the informant and the evidence of witnesses and where he considers that a case for so doing is made out, Issuance of summons or warrant

(a) issue a summons in the prescribed form; or

- (b) where the arrest is authorized by statute and where the allegations of the informant or the evidence satisfy the justice on reasonable and probable grounds that it is necessary in the public interest to do so, issue a warrant for the arrest of the defendant.

Summons or
warrants
in blank
Counts

- (2) A justice shall not sign a summons or warrant in blank.

26.—(1) Each charge in an information shall be set out in a separate count.

Allegation
of
offence

- (2) Each count in an information shall in general apply to a single transaction and shall contain and is sufficient if it contains in substance a statement that the defendant committed an offence therein specified.

Idem

- (3) The statement referred to in subsection 2 may be,

(a) in popular language without technical averments or allegations of matters that are not essential to be proved;

(b) in the words of the enactment that describes the offence; or

(c) in words that are sufficient to give to the defendant notice of the offence with which he is charged.

More than
one count

- (4) Any number of counts for any number of offences may be joined in the same information.

Particulars
of count

- (5) A count shall contain sufficient detail of the circumstances of the alleged offence to give to the defendant reasonable information with respect to the act or omission to be proved against him and to identify the transaction referred to.

Sufficiency

- (6) No count in an information is insufficient by reason of the absence of details where, in the opinion of the court, the count otherwise fulfils the requirements of this section and, without restricting the generality of the foregoing, no count in an information is insufficient by reason only that,

(a) it does not name the person affected by the offence or intended or attempted to be affected;

(b) it does not name the person who owns or has a special property or interest in property mentioned in the count;

- (c) it charges an intent in relation to another person without naming or describing the other person;
- (d) it does not set out any writing that is the subject of the charge;
- (e) it does not set out the words used where words that are alleged to have been used are the subject of the charge;
- (f) it does not specify the means by which the alleged offence was committed;
- (g) it does not name or describe with precision any person, place or thing; or
- (h) it does not, where the consent of a person, official or authority is required before proceedings may be instituted for an offence, state that the consent has been obtained.

(7) Where in a count an offence is identified but the count fails to set out one or more of the essential elements of the offence, a reference to the provision creating or defining the offence shall be deemed to incorporate all the essential elements of the offence. Reference to statutory provision

(8) A count is not objectionable for the reason only that, Idem

- (a) it charges in the alternative several different matters, acts or omissions that are stated in the alternative in an enactment that describes as an offence the matters, acts or omissions charged in the count; or
- (b) it is double or multifarious.

(9) No exception, exemption, proviso, excuse or qualification prescribed by law is required to be set out or negated, as the case may be, in an information. Need to negative exception, etc.

27.—(1) A summons issued under section 25 shall, Summons

- (a) be directed to the defendant;
- (b) set out briefly the offence in respect of which the defendant is charged; and
- (c) require the defendant to attend court at a time and place stated therein and to attend thereafter as required by the court in order to be dealt with according to law.

Service

(2) A summons shall be served by a provincial offences officer by delivering it personally to the person to whom it is directed or if that person cannot conveniently be found, by leaving it for him at his last known or usual place of abode with an inmate thereof who appears to be at least sixteen years of age.

Service
outside
Ontario

(3) Notwithstanding subsection 2, where the person to whom a summons is directed does not reside in Ontario, the summons shall be deemed to have been duly served seven days after it has been sent by registered mail to his last-known or usual place of abode.

Service
on
corporation

(4) Service of a summons on a corporation may be effected by delivering the summons personally,

(a) in the case of a municipal corporation, to the mayor, warden, reeve or other chief officer of the corporation or to the clerk of the corporation; or

(b) in the case of any other corporation, to the manager, secretary or other executive officer of the corporation or person apparently in charge of a branch office thereof,

or by mailing the summons by registered mail to the corporation, in which case the summons shall be deemed to have been duly served seven days after the day of mailing.

Proof of
service

(5) Service of a summons may be proved by statement under oath, written or oral, of the person who made the service.

Contents
of
warrant

28.—(1) A warrant issued under section 25 shall,

(a) name or describe the defendant;

(b) set out briefly the offence in respect of which the defendant is charged; and

(c) order that the defendant be forthwith arrested and brought before a justice to be dealt with according to law.

Idem

(2) A warrant issued under section 25 remains in force until it is executed and need not be made returnable at any particular time.

PART IV

TRIAL AND SENTENCING

Trial

29. This Part applies to proceedings commenced under this Act. Application of Part

30.—(1) Subject to subsection 2, a proceeding in respect of an offence shall be taken in the provincial offences court in whose territorial jurisdiction the offence occurred. Proper court

(2) A proceeding in respect of an offence may be taken in the provincial offences court having territorial jurisdiction that adjoins that in which the offence occurred if, Idem

(a) the court holds sittings in a place reasonably proximate to the place where the offence occurred; and

(b) the court and place of sitting referred to in clause *a* are named in the information or certificate.

(3) Where a proceeding is taken in a court other than one referred to in subsection 1 or 2, the court may order that the proceeding be transferred to the proper court. Transfer to proper court

(4) Where, upon the application of a defendant or prosecutor made to the court named in the information or certificate, it appears to the court that, Change of venue

(a) it would be appropriate in the interests of justice to do so; or

(b) both the defendant and prosecutor consent thereto,

the court may order that the proceeding be transferred to another court in Ontario.

(5) The court may, in an order made upon an application by the prosecutor under subsection 3 or 4, prescribe conditions that it thinks proper with respect to the payment of additional expenses caused to the defendant as a result of the change of venue. Conditions

(6) An order under subsection 3 or 4 may be made notwithstanding that any motion preliminary to trial has been disposed of or that the plea has been taken and it may be made at any time before evidence has been heard. Time of order for change of venue

(7) The court to which proceedings are transferred under this section may receive and determine any motion pre- Preliminary motions

liminary to trial notwithstanding that the same matter was determined by the court from which the proceeding was transferred.

Delivery of
papers

(8) Where an order is made under subsection 3 or 4, the clerk of the court in which the trial was to be held before the order was made shall deliver any material in his possession in connection with the proceedings forthwith to the clerk of the court before which the trial is ordered to be held, and all proceedings in the case shall be held or, if previously commenced, shall be continued in that court.

Justice
presiding
at trial

31.—(1) The justice presiding when evidence is first taken at the trial shall preside over the whole of the trial.

When
presiding
justice
unable to
act before
adjudica-
tion

(2) Where evidence has been taken at a trial and, before making his adjudication, the presiding justice dies or in his opinion or the opinion of the chief judge of the provincial offences courts is for any reason unable to continue, another justice shall conduct the hearing again as a new trial.

When
presiding
justice
unable to
act after
adjudica-
tion

(3) Where evidence has been taken at a trial and, after making his adjudication but before making his order or imposing sentence, the presiding justice dies or in his opinion or the opinion of the chief judge of the provincial offences courts is for any reason unable to continue, another justice may make the order or impose the sentence that is authorized by law.

Consent to
change
presiding
justice

(4) A justice presiding at a trial may, at any stage of the trial and upon the consent of the prosecutor and defendant, order that the trial be conducted by another justice and, upon the order being given, subsection 2 applies as if the justice were unable to act.

Retention
of juris-
diction

32. The court in which proceedings are taken or to which proceedings are transferred retains jurisdiction over the information or certificate notwithstanding the failure of the court to exercise its jurisdiction at any particular time or that the provisions of this Act respecting adjournments are not complied with.

Stay of
proceeding

33.—(1) In addition to his right to withdraw a charge, the Attorney General or his agent may stay any proceeding at any time before judgment by direction to the clerk of the court in which the proceedings are conducted and thereupon any recognizance relating to the proceeding is vacated.

Recommend-
ment

(2) A proceeding stayed under subsection 1 may be recommenced by direction of the Attorney General or his

agent to the clerk of the court in which the proceeding was stayed but a proceeding that is stayed shall not be recommenced,

- (a) later than one year after the stay; or
- (b) after the expiration of any limitation period applicable, which shall run as if the proceeding had not been commenced until the recommencement,

whichever is the earlier.

34.—(1) An objection to an information or certificate for a defect apparent on its face shall be taken by motion to quash the information or certificate before the defendant has pleaded, and thereafter only by leave of the court. Motion to quash information or certificate

(2) A defendant may at any stage of the proceeding apply to the court to amend or to divide a count that, Dividing counts

- (a) charges in the alternative different matters, acts or omissions that are stated in the alternative in the enactment that creates or describes the offence; or
- (b) is double or multifarious,

on the ground that, as framed, it prejudices him in his defence.

(3) Upon an application under subsection 2, where the court is satisfied that the ends of justice so require, it may order that a count be amended or divided into two or more counts, and thereupon a formal commencement may be inserted before each of the counts into which it is divided. Idem

35.—(1) The court may, at any stage of the proceeding, amend the information or certificate as may be necessary if it appears that the information or certificate, Amendment of information or certificate

- (a) fails to state or states defectively anything that is requisite to charge the offence;
- (b) does not negative an exception that should be negated; or
- (c) is in any way defective in substance or in form.

(2) The court may, during the trial, amend the information or certificate as may be necessary if the matters to be alleged in the proposed amendment are disclosed by the evidence taken at the trial. Idem

Variances
between
charge and
evidence

(3) A variance between the information or certificate and the evidence taken on the trial is not material with respect to,

- (a) the time when the offence is alleged to have been committed, if it is proved that the information was laid or certificate issued within the prescribed period of limitation; or
- (b) the place where the subject-matter of the proceedings is alleged to have arisen, except in an issue as to the jurisdiction of the court.

Considera-
tions on
amendment

(4) The court shall, in considering whether or not an amendment should be made, consider,

- (a) the evidence taken on the trial, if any;
- (b) the circumstances of the case;
- (c) whether the defendant has been misled or prejudiced in his defence by a variance, error or omission; and
- (d) whether, having regard to the merits of the case, the proposed amendment can be made without injustice being done.

Costs on
amendment

(5) Where the information or certificate is amended, the court may make an order under section 57 for the payment of costs resulting from the necessity of amendment.

Amendment.
question
of law

(6) The question whether an order to amend an information or certificate should be granted or refused is a question of law.

Endorse-
ment of
order to
amend

(7) An order to amend an information or certificate shall be endorsed on the information or certificate as part of the record and the trial shall proceed as if the information or certificate had been originally laid as amended.

Particulars

36. The court may, before or during trial, if it is satisfied that it is necessary for a fair trial, order that a particular, further describing any matter relevant to the proceedings, be furnished to the defendant.

Joinder
of counts or
defendants

37.—(1) The court may, before trial, where it is satisfied that the ends of justice so require, direct that separate counts, informations or certificates be tried together or that persons who are charged separately be tried together.

(2) The court may, before or during the trial, where it is ^{Separate trials} satisfied that the ends of justice so require, direct that separate counts, informations or certificates be tried separately or that persons who are charged jointly or being tried together be tried separately.

38.—(1) Where a justice is satisfied that a person is able ^{Issuance of subpoena} to give material evidence in a proceeding under this Act, the justice may issue a subpoena requiring the person to attend to give evidence and bring with him any writings or things referred to in the subpoena.

(2) A subpoena shall be served and the service shall be ^{Service} proved in the same manner as a summons under section 27.

(3) A person who is served with a subpoena shall attend at ^{Attendance} the time and place stated in the subpoena to give evidence and, if required by the subpoena, shall bring with him any writing or other thing that he has in his possession or under his control relating to the subject-matter of the proceedings.

(4) A person who is served with a subpoena shall remain ^{Remaining in attendance} in attendance during the hearing and the hearing as resumed after adjournment from time to time unless he is excused from attendance by the presiding justice.

39.—(1) Where a judge is satisfied upon evidence under ^{Arrest of witness} oath, that a person is able to give material evidence that is necessary in a proceeding under this Act and,

(a) will not attend if a subpoena is served; or

(b) attempts to serve a subpoena have been made and have failed because he is evading service,

the judge may issue a warrant in the prescribed form for the arrest of the person.

(2) Where a person who has been served with a subpoena ^{Idem} to attend to give evidence in a proceeding does not attend or remain in attendance, the court may, if it is established,

(a) that the subpoena has been served; and

(b) that the person is able to give material evidence that is necessary,

issue or cause to be issued a warrant in the prescribed form for the arrest of the person.

Bringing
before
justice

(3) The police officer who arrests a person under a warrant issued under subsection 1 or 2 shall immediately take the person before a justice.

Release on
recogniz-
ance

(4) Unless the justice is satisfied that it is necessary to detain a person in custody to ensure his attendance to give evidence, the justice shall order the person released upon condition that he enter into a recognizance in such amount and with such sureties, if any, as are reasonably necessary to ensure his attendance.

Bringing
before
judge

(5) Where the person is not released pursuant to an order under subsection 4, the justice who made the order shall cause the person to be brought before a judge within two days of the decision of the justice.

Detention

(6) Where the judge is satisfied that it is necessary to detain the person in custody to ensure his attendance to give evidence, the judge may order that the person be detained in custody to testify at the trial or to have his evidence taken by a commissioner under an order made under subsection 11.

Release on
recogniz-
ance

(7) Where the judge does not make an order under subsection 6, he shall order that the person be released upon condition that he enter into a recognizance in such amount and with such sureties, if any, as are reasonably necessary to ensure his attendance.

Maximum
imprison-
ment

(8) A person who is ordered to be detained in custody under subsection 6 or is not released in fact under subsection 7 shall not be detained in custody for a period longer than ten days.

Release
when no
longer
required

(9) A judge, or the justice presiding at a trial, may at any time order the release of a person in custody under this section where he is satisfied that the detention is no longer justified.

Arrest on
breach of
recogniz-
ance

(10) Where a person who is bound by a recognizance to attend to give evidence in any proceeding does not attend or remain in attendance, the court before which the person is bound to attend may issue a warrant in the prescribed form for the arrest of that person and,

(a) where he is brought directly before the court, subsections 6 and 7 apply; and

(b) where he is not brought directly before the court, subsections 3 to 7 apply.

(11) A judge or the justice presiding at the trial may order that the evidence of a person held in custody under this section be taken by a commissioner under section 42, which applies thereto in the same manner as to a witness who is unable to attend by reason of illness. Commission evidence of witness in custody

40.—(1) Where a person whose attendance is required in a court to stand trial or to give evidence is confined in a prison, and a judge is satisfied that his attendance is necessary to satisfy the ends of justice, the judge may order in writing that the person be brought before the court before which his attendance is required, from day to day, as may be necessary. Order for person in a prison to attend

(2) An order under subsection 1 is sufficient authority for the keeper of the prison to deliver up the prisoner and for a police officer or other person named in the order to convey the prisoner. Idem

(3) An order made under subsection 1 shall direct the manner in which the person shall be kept in custody and returned to the prison from which he is brought. Idem

41. Every person who, being required by law to attend or remain in attendance at a hearing, fails without lawful excuse to attend or remain in attendance accordingly is guilty of an offence and on conviction is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than thirty days, or to both. Penalty for failure to attend

42.—(1) Upon the application of the defendant or prosecutor, a judge or, during trial, the court may by order appoint a commissioner to take the evidence of a witness who is out of Ontario or is not likely to be able to attend the trial by reason of illness or physical disability or for some other good and sufficient cause. Order for evidence by commission

(2) Evidence taken by a commissioner appointed under subsection 1 may be read in evidence in the proceeding if, Admission of commission evidence

- (a) it is proved by oral evidence or by affidavit that the witness is unable to attend for a reason set out in subsection 1;
- (b) the transcript of the evidence is signed by the commissioner by or before whom it purports to have been taken; and
- (c) it is proved to the satisfaction of the court that reasonable notice of the time and place for taking the evidence was given to the other party, and the

party had full opportunity to cross-examine the witness.

Attendance
of accused

(3) An order under subsection 1 may make provision to enable the defendant to be present or represented by counsel or agent when the evidence is taken, but failure of the defendant to be present or to be represented by counsel or agent in accordance with the order does not prevent the reading of the evidence in the proceedings if the evidence has otherwise been taken in accordance with the order and with this section.

Application
of rules
in civil
cases

(4) Except as otherwise provided by this section or by the rules, the practice and procedure in connection with the appointment of commissioners under this section, the taking of evidence by commissioners, the certifying and return thereof, and the use of the evidence in the proceedings shall, as far as possible, be the same as those that govern like matters in civil proceedings in the Supreme Court.

Trial of
issue as to
capacity to
conduct
defence

43.—(1) Where at any time before a defendant is sentenced a court has reason to believe, based on,

(a) the evidence of a legally qualified medical practitioner or, with the consent of the parties, a written report of a legally qualified medical practitioner; or

(b) the conduct of the defendant in the courtroom,

that the defendant suffers from mental disorder, the court shall direct the trial of the issue as to whether the defendant is, because of mental disorder, unable to conduct his defence.

Idem.
finding of
incapacity

(2) The trial of the issue shall be presided over by a judge and where he finds that the accused is, because of mental disorder, unable to conduct his defence, he shall order that further proceeding on the charge be suspended.

Application
for
rehearing
as to
capacity

(3) At any time within one year after an order is made under subsection 2, either party may, upon seven days notice to the other, apply to a judge to rehear the trial of the issue and where upon the rehearing the judge finds that the defendant is able to conduct his defence, he may order that the suspended proceeding be continued.

Order for
examination

(4) For the purposes of the trial of an issue under subsection 1 or a hearing or rehearing under subsection 2 or 3, the court or judge may order the defendant to attend at such

place or before such person and at or within such time as are specified in the order and submit to an examination for the purpose of determining whether the defendant is, because of mental disorder, unable to conduct his defence.

(5) Where the defendant fails or refuses to comply with an order under subsection 4 without reasonable excuse or where the person conducting the examination satisfies the judge that it is necessary to do so, a judge may by warrant direct that the defendant be taken into such custody as is necessary for the purpose of the examination and, where it is necessary to detain the defendant in a place, the place shall be, where practicable, a psychiatric facility. Idem

(6) Where an order is made under subsection 2 and one year has elapsed and no further order is made under subsection 3, no further proceeding shall be taken in respect of the charge or any other charge arising out of the same circumstance. Limitation on suspension of proceeding

44.—(1) After being informed of the substance of the information or certificate, the defendant shall be asked whether he pleads guilty or not guilty of the offence charged therein. Taking of plea

(2) Where the defendant pleads guilty, the court may accept the plea and convict him. Conviction on plea of guilty

(3) Where the defendant refuses to plead or does not answer directly, the court shall enter a plea of not guilty. Refusal to plead

(4) Where the defendant pleads not guilty of the offence charged but guilty of an offence that has not been charged, the court may, with the consent of the prosecutor, accept such plea of guilty and accordingly amend the information or substitute the offence to which the defendant pleads guilty. Plea of guilty to another offence

45.—(1) Where the defendant pleads not guilty, the court shall hold the trial. Trial on plea of not guilty

(2) The defendant is entitled to make his full answer and defence. Right to defend

(3) The prosecutor or defendant, as the case may be, may examine and cross-examine witnesses. Right to examine witnesses

(4) The court may accept and act upon any facts agreed upon by the defendant and prosecutor without proof or evidence. Agreed facts

Defendant
not
compellable
R.S.O. 1970,
c. 151

(5) Notwithstanding section 8 of *The Evidence Act*, the defendant is not a compellable witness for the prosecution.

Evidence
taken on
another
charge

46.—(1) The court may receive and consider evidence taken before the same justice on a different charge against the same defendant, with the consent of the parties.

Certificate
as evidence

(2) Where a certificate as to the content of an official record is, by any Act, made admissible in evidence as *prima facie* proof, the court may, for the purpose of deciding whether the defendant is the person referred to in the certificate, receive and base its decision upon information it considers credible or trustworthy in the circumstances of each case.

Burden of
proving
exception,
etc.

(3) The burden of proving that an authorization, exception, exemption or qualification prescribed by law operates in favour of the defendant is on the defendant, and the prosecutor is not required, except by way of rebuttal, to prove that the authorization, exception, exemption or qualification does not operate in favour of the defendant, whether or not it is set out in the information.

Exhibits

47.—(1) The court may order that an exhibit be kept in such custody and place as, in the opinion of the court, is appropriate for its preservation.

Release of
exhibits

(2) Where any thing is filed as an exhibit in a proceeding, the clerk may release the exhibit upon the consent of the parties at any time after the trial or, in the absence of consent, may return the exhibit to the party filing it after the disposition of any appeal in the proceeding or, where an appeal is not taken, after the expiration of the time for appeal.

Adjourn-
ments

48.—(1) The court may, from time to time, adjourn a trial or hearing but, where the defendant is in custody, an adjournment shall not be for a period longer than eight days without the consent of the defendant.

Early
resumption

(2) A trial or hearing that is adjourned for a period may be resumed before the expiration of the period with the consent of the defendant and the prosecutor.

Appearance
by defendant

49.—(1) A defendant may appear and act personally or by counsel or agent.

Appearance
by
corporation

(2) A defendant that is a corporation shall appear and act by counsel or agent.

(3) The court may bar any person from appearing as an agent who is not a barrister and solicitor entitled to practise in Ontario if the court finds that the person is not competent properly to represent or advise the person for whom he appears as agent or does not understand and comply with the duties and responsibilities of an agent.

Exclusion
of agents

50. Notwithstanding that a defendant appears by counsel or agent, the court may order the defendant to attend personally, and, where it appears to be necessary to do so, may issue a summons in the prescribed form.

Compelling
attendance of
defendant

51.—(1) The court may cause the defendant to be removed and to be kept out of court,

Excluding
defendant
from
hearing

(a) when he misconducts himself by interrupting the proceedings so that to continue in his presence would not be feasible; or

(b) where, during the trial of an issue as to whether the defendant is, because of mental disorder, unable to conduct his defence, the court is satisfied that failure to do so might have an adverse effect on the mental health of the defendant.

(2) The court may exclude the public or any member of the public from a hearing where, in the opinion of the court, it is necessary to do so,

Excluding
public from
hearing

(a) for the maintenance of order in the courtroom;

(b) to protect the reputation of a minor; or

(c) to remove an influence that might affect the testimony of a witness.

(3) Where the court considers it necessary to do so to protect the reputation of a minor, the court may make an order prohibiting the publication or broadcast of the identity of the minor or of the evidence or any part of the evidence taken at the hearing.

Prohibition
of publication
of evidence

52.—(1) Where the defendant appears for a hearing and the prosecutor, having had due notice, does not appear, the court may dismiss the charge or may adjourn the hearing to some other time upon such terms as it considers proper.

Failure of
prosecutor
to appear

(2) Where the prosecutor does not appear at the time and place appointed for the resumption of an adjourned hearing under subsection 1, the court may dismiss the charge.

Idem

Costs

(3) Where a hearing is adjourned under subsection 1 or a charge is dismissed under subsection 2, the court may make an order under section 57 for the payment of costs.

Dismissal
bar to
further
proceeding

(4) Where a charge is dismissed under subsection 1 or 2, no further information shall be laid or certificate issued in the same matter, except with the consent of the Attorney General or his agent.

Ex parte
conviction

53.—(1) Where a defendant does not appear at the time and place appointed for a hearing and it is proved that a summons was served, a notice of trial was given under Part I or II, an undertaking to appear was given or a recognizance to appear was entered into, as the case may be, or where the defendant does not appear upon the resumption of a hearing that has been adjourned, the court,

(a) may proceed *ex parte* to hear and determine the proceedings in the absence of the defendant;

(b) may, if it thinks fit, adjourn the hearing and issue a summons to appear or issue a warrant in the prescribed form for the arrest of the defendant; or

(c) may, where the defendant does not appear in response to the summons or warrant on the date to which the hearing is adjourned, proceed under clause *a* or *b*.

Where
convicted
ex parte

(2) Where, the court proceeds under clause *a* of subsection 1, no proceeding arising out of the failure of the defendant to appear at the time and place appointed for the hearing or for the resumption of the hearing shall be instituted or if instituted shall be proceeded with, except with the consent of the Attorney General or his agent.

Sentencing

Pre-sentence
report

54.—(1) Where a defendant is convicted of an offence in a proceeding commenced by information, the court may direct a probation officer to prepare and file with the court a report in writing relating to the defendant for the purpose of assisting the court in imposing sentence.

Service

(2) Where a report is filed with the court under subsection 1, the clerk of the court shall cause a copy of the report to be provided to the defendant or his counsel or agent and to the prosecutor.

55.—(1) Where a defendant is convicted of an offence, the court shall give the prosecutor and the counsel or agent for the defendant an opportunity to make submissions as to sentence and, where the defendant has no counsel or agent, the court shall ask him if he has anything to say before sentence is passed upon him.

Submissions
as to
sentence

(2) The omission to comply with subsection 1 does not affect the validity of the proceeding.

Omission
to comply

(3) Where a defendant is convicted of an offence, the court may make such inquiries, on oath or otherwise, of and concerning the defendant as it considers desirable, including his economic circumstances, but the defendant shall not be compelled to answer.

Inquiries
by court

(4) A certificate setting out with reasonable particularity the finding of guilt or acquittal or conviction and sentence in Canada of a person signed by,

Proof of
previous
conviction

(a) the person who made the adjudication; or

(b) the clerk of the court in which the adjudication was made,

is, upon the court being satisfied that the defendant is the person referred to in the certificate, admissible in evidence and is *prima facie* proof of the facts stated therein without proof of the signature or the official character of the person appearing to have signed the certificate.

56.—(1) No penalty prescribed for an offence is a minimum penalty unless it is specifically declared to be a minimum.

Provision
for
minimum
penalty

(2) Notwithstanding that the provision that creates the penalty for an offence prescribes a minimum fine, where in the opinion of the court exceptional circumstances exist so that to impose the minimum fine would be unduly oppressive or otherwise not in the interests of justice, the court may suspend the sentence.

Relief
against
minimum
fine

(3) Where a minimum penalty is prescribed for an offence and the minimum penalty includes imprisonment, the court may, notwithstanding the prescribed penalty, impose a fine of not more than \$2,000 in lieu of imprisonment.

Idem, re
imprison-
ment

57.—(1) Subject to subsection 2, the court may order the defendant or the prosecutor to pay to the other costs in an amount of not more than the fees and expenses reasonably incurred by or on behalf of witnesses, but, where the proceed-

Costs
payable by
defendant
and private
prosecutor:

ing is commenced by means of a certificate, such amount shall not exceed \$100.

Crown (2) An order for costs shall not be made against a prosecutor acting on behalf of the Crown.

Costs collectable as a fine (3) Costs ordered to be paid under this section shall be deemed to be a fine for the purpose of enforcing payment.

General penalty **58.**—(1) Except where otherwise expressly provided by law, every person who is convicted of an offence is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both.

Amendment of subs. 1 (2) Subsection 1 is amended by striking out “or to imprisonment for a term of not more than six months, or to both” in the third and fourth lines.

Effective date of amendment (3) Subsection 2 does not come into force until the 1st day of July, 1980.

Minute of conviction **59.** Where a court convicts a defendant or dismisses a charge, a minute of the dismissal or conviction and sentence shall be made by the court, and, upon request by the defendant or the prosecutor or by the Attorney General or his agent, the court shall cause a copy thereof certified by the clerk of the court to be delivered to the person making the request.

Time when imprisonment starts **60.**—(1) The term of imprisonment imposed by sentence shall, unless otherwise directed in the sentence, commence on the day on which the convicted person is taken into custody thereunder, but no time during which the convicted person is imprisoned or out on bail before sentence shall be reckoned as part of the term of imprisonment to which he is sentenced.

Idem (2) Where the court imposes imprisonment, the court may order custody to commence on a day not later than thirty days after the day of sentencing.

Sentences consecutive **61.** Where a person is subject to more than one term of imprisonment at the same time, the terms shall be served consecutively except in so far as the court has ordered a term to be served concurrently with any other term of imprisonment.

Authority of warrant **62.**—(1) A warrant of committal is sufficient authority,

(a) for the conveyance of the prisoner in the custody of a police officer or other person named in the warrant for the purpose of committal under the warrant; and

(b) for the reception and detention of the prisoner by keepers of prisons in accordance with the terms of the warrant.

(2) A sentence of imprisonment shall be served in accordance with the enactments and rules that govern the institution to which the prisoner is sentenced. Prisoner subject to rules of institution

63.—(1) A fine becomes due and payable fifteen days after its imposition. When fine due

(2) Where the court imposes a fine, the court shall ask the defendant if he wishes an extension of the time for payment of the fine. Extension of time for payment of a fine

(3) Where the defendant requests an extension of the time for payment of the fine, the court may make such inquiries, on oath or otherwise, of and concerning the defendant as the court considers desirable, but the defendant shall not be compelled to answer. Inquiries

(4) Unless the court finds that the request for extension of time is not made in good faith or that the extension would likely be used to evade payment, the court shall extend the time for payment by ordering periodic payments or otherwise. Granting of extension

(5) Where a fine is imposed in the absence of the defendant, the clerk of the court shall give the defendant notice of the fine and its due date and of his right to apply for an extension of the time for payment under subsection 6. Notice where convicted in absentia

(6) The defendant may, at any time by application in the prescribed form filed in the office of the court, request an extension or further extension of time for payment of a fine and the application shall be determined by a justice and the justice has the same powers in respect of the application as the court has under subsections 3 and 4. Further application for extension

64.—(1) When the payment of a fine is in default, the clerk of the court may complete a certificate in the prescribed Civil enforcement of fines

form as to the imposition of the fine and the amount remaining unpaid and file the certificate in a court of competent jurisdiction and upon filing, the certificate shall be deemed to be an order or judgment of that court for the purposes of enforcement.

Limitation (2) A certificate shall not be filed under subsection 1 after two years after the default in respect of which it is issued.

Certificate of discharge (3) Where a certificate has been filed under subsection 1 and the fine is fully paid, the clerk shall file a certificate of payment upon which the certificate of default is discharged.

Default **65.**—(1) The payment of a fine is in default when any part of the fine is due and unpaid for fifteen days or more.

Order on default (2) Where a justice is satisfied that payment of a fine is in default, the justice,

(a) shall order that any permit, licence, registration or privilege in respect of which a suspension is authorized by or under any Act for non-payment of the fine be suspended, not renewed or not issued; and

(b) may direct the clerk of the court to proceed with civil enforcement under section 64.

Imprisonment for non-payment of fine (3) A justice may issue a warrant in the prescribed form for the committal of the defendant where,

(a) an order or direction under subsection 2 has not resulted in payment within a time that is reasonable in the circumstances;

(b) all other reasonable methods of collecting the fine have been tried and failed or, in the opinion of the justice, would not likely result in payment within a reasonable time in the circumstances; and

(c) the defendant has been given fifteen days notice of the intent to issue a warrant and has had an opportunity to be heard.

Provision on conviction for imprisonment in default (4) In exceptional circumstances where, in the opinion of the court imposing the fine, to proceed under subsection 3 would defeat the ends of justice, the court may,

- (a) order that no warrant of committal be issued under subsection 3; or
- (b) order imprisonment in default of payment of the fine and that no extension of time for payment be granted.

(5) Imprisonment under a warrant issued under subsection 3 or 4 shall be for three days, plus one day for each \$25 or part thereof that is in default, subject to a maximum period of, Term of imprisonment

(a) ninety days; or

(b) half of the maximum imprisonment, if any, provided for the offence,

whichever is the greater.

(6) Any payment made after a warrant is issued under subsection 3 or 4 shall reduce the term by the number of days that is in the same proportion to the number of days in the term as the amount paid bears to the total fine and no amount offered in part payment of a fine shall be accepted unless it is sufficient to secure reduction of sentence of one day, or a multiple thereof. Effect of payments

66. Where an Act provides that a fine may be suspended subject to the performance of a condition, Suspension of fine on conditions

- (a) the period of suspension shall be fixed by the court and shall be for not more than one year;
- (b) the court shall provide in its order of suspension the method of proving the performance of the condition;
- (c) the suspension is in addition to and not in lieu of any other power of the court in respect of the fine; and
- (d) the fine is not in default until fifteen days have elapsed after notice that the period of suspension has expired is given to the defendant.

67.—(1) Where a defendant is convicted of an offence in a proceeding commenced by information, the court may, Probation order

having regard to the age, character and background of the defendant, the nature of the offence and the circumstances surrounding its commission,

- (a) suspend the passing of sentence and direct that the defendant comply with the conditions prescribed in a probation order;
- (b) in addition to fining the defendant or sentencing him to imprisonment, whether in default of payment of a fine or otherwise, direct that the defendant comply with the conditions prescribed in a probation order; or
- (c) where it imposes a sentence of imprisonment on the defendant, whether in default of payment of a fine or otherwise, that does not exceed ninety days, order that the sentence be served intermittently at such times as are specified in the order and direct that the defendant, at all times when he is not in confinement pursuant to such order, comply with the conditions prescribed in a probation order.

Statutory
conditions
of order

(2) A probation order shall be deemed to contain the conditions that,

- (a) the defendant not commit the same or any related or similar offence, or any offence under a statute of Canada or Ontario or any other province of Canada that is punishable by imprisonment;
- (b) the defendant report to the court as and when required; and
- (c) the defendant notify the court of any change in his address.

Conditions
imposed
by court

(3) In addition to the conditions set out in subsection 2, the court may prescribe the following conditions in a probation order,

- (a) that the defendant satisfy any compensation or restitution that is required or authorized by an Act;
- (b) with the consent of the defendant and where the conviction is of an offence that is punishable by imprisonment that the defendant perform a community service as set out in the order;

- (c) where the conviction is of an offence punishable by imprisonment, such other conditions relating to the circumstances of the offence and of the defendant that contributed to the commission of the offence as the court considers appropriate to prevent similar unlawful conduct or to contribute to the rehabilitation of the defendant; or
- (d) where considered necessary for the purpose of implementing the conditions of the probation order, that the defendant report to a responsible person designated by the court and, in addition, where the circumstances warrant it, that the defendant be under the supervision of the person to whom he is required to report.

(4) A probation order shall be in the prescribed form and the court that makes the order shall specify therein the period for which it is to remain in force, which shall not be for more than three years from the date when the order takes effect. Form of order

(5) Where the court makes a probation order, it shall cause a copy of the order and a copy of section 70 to be given to the defendant. Notice of order

(6) The Lieutenant Governor in Council may make regulations respecting community service orders, including their terms and conditions. Regulations for community service orders

68.—(1) A probation order comes into force,

When order comes into force

- (a) on the date on which the order is made; or
- (b) where the defendant is sentenced to imprisonment other than a sentence to be served intermittently, upon the expiration of that sentence.

(2) Subject to section 70, where a defendant who is bound by a probation order is convicted of an offence or is imprisoned in default of payment of a fine, the order continues in force except in so far as the sentence or imprisonment renders it impossible for the defendant to comply for the time being with the order. Continuation in force

Variation of
probation
order

69. The court may, at any time upon the application of the defendant or prosecutor with notice to the other, after a hearing or, with the consent of the parties, without a hearing,

- (a) make any changes in or additions to the conditions prescribed in the order that in the opinion of the court are rendered desirable by a change in circumstances;
- (b) relieve the defendant, either absolutely or upon such terms or for such period as the court considers desirable, of compliance with any condition described in any of the clauses in subsection 3 of section 67 that is prescribed in the order; or
- (c) terminate the order or decrease the period for which the probation order is to remain in force,

and the court shall thereupon endorse the probation order accordingly and, if it changes or adds to the conditions prescribed in the order, inform the defendant of its action and give him a copy of the order so endorsed.

Breach of
probation
order

70. Where a defendant who is bound by a probation order is convicted of an offence constituting a breach of condition of the order and,

- (a) the time within which he may appeal or apply for leave to appeal against that conviction has expired and he has not taken an appeal or applied for leave to appeal;
- (b) he has taken an appeal or applied for leave to appeal against the conviction and the appeal or application for leave has been dismissed or abandoned; or
- (c) he has given written notice to the court that convicted him that he elects not to appeal,

or where the defendant otherwise wilfully fails or refuses to comply with the order, he is guilty of an offence and upon conviction the court may,

- (d) impose a fine of not more than \$1,000 or imprisonment for a term of not more than thirty days, or

both, and in lieu of or in addition to the penalty, continue the probation order with such changes or additions and for such extended term, not exceeding an additional year, as the court considers reasonable; or

- (e) where the justice presiding is the justice who made the original order, in lieu of imposing the penalty under clause *d*, revoke the probation order and impose the sentence that was suspended upon the making of the probation order.

PART V

GENERAL PROVISIONS

71.—(1) Proceedings shall not be commenced after the ^{Limitation} expiration of any limitation period prescribed for the offence or, where no limitation period is prescribed, after six months after the date on which the offence was, or is alleged to have been, committed.

(2) A limitation period may be extended by a justice ^{Extension} with the consent of the defendant.

72.—(1) Every person is a party to an offence who, ^{Parties to offence}

(a) actually commits it,

(b) does or omits to do anything for the purpose of aiding any person to commit it; or

(c) abets any person in committing it.

(2) Where two or more persons form an intention in ^{Common purpose} common to carry out an unlawful purpose and to assist each other therein and any one of them, in carrying out the common purpose, commits an offence, each of them who knew or ought to have known that the commission of the offence would be a probable consequence of carrying out the common purpose is a party to the offence.

73.—(1) Where a person counsels or procures another ^{Counselling} person to be a party to an offence and that other person is afterwards a party to the offence, the person who counselled or procured is a party to the offence, notwithstanding that the offence was committed in a way different from that which was counselled or procured.

- Idem (2) Every person who counsels or procures another person to be a party to an offence is a party to every offence that the other commits in consequence of the counselling or procuring that the person who counselled or procured knew or ought to have known was likely to be committed in consequence of the counselling or procuring.
- Computation of age **74.**—(1) In determining the age of a person for the purposes of a proceeding under this Act or for the purposes of an offence, the person shall be deemed to be of the age that corresponds to the number of anniversaries of his birthday that are fully completed.
- Idem (2) In the absence of other evidence, or by way of corroboration of other evidence, a justice may infer the age of a person from his appearance.
- Common law defences **75.** Every rule and principle of the common law that renders any circumstance a justification or excuse for an act or a defence to a charge continues in force and applies in respect of offences, except in so far as they are altered by or inconsistent with this or any other Act.
- Ignorance of the law **76.** Ignorance of the law by a person who commits an offence is not an excuse for committing the offence.
- Counsel or agent **77.** A defendant may act by his counsel or agent.
- Recording of evidence **78.**—(1) Proceedings in which evidence is taken shall be recorded.
- Evidence under oath (2) Evidence under this Act shall be taken under oath, except as otherwise provided by law.
- Form of certificate of ownership **79.** The Lieutenant Governor in Council may make regulations prescribing the form of certificate as to ownership of a motor vehicle given by the Registrar under subsection 2 of section 150 of *The Highway Traffic Act* for the purpose of proceedings under this Act.
- R.S.O. 1970, c. 202
- Interpreters **80.**—(1) A justice may authorize a person to act as interpreter in a proceeding before him where the person swears the prescribed oath and, in the opinion of the justice, is competent.
- Idem (2) A judge may authorize a person to act as interpreter in proceedings under this Act where he swears the prescribed oath and, in the opinion of the judge is competent and likely to be readily available.

81. Any time prescribed by this Act or the regulations made thereunder or by the rules of the court for doing any thing other than commencing proceedings may be extended by the court in which the proceeding is conducted, whether or not the prescribed time has expired. Extension of time

82. Every person who makes an assertion of fact in a statement or entry in a document or form for use under this Act knowing that the assertion is false is guilty of an offence and on conviction is liable to a fine of not more than \$1,000. Penalty for false statements

83.—(1) Except as otherwise provided by this Act or the rules of the court, any notice or document required or authorized to be given or delivered under this Act or the rules of the court is sufficiently given or delivered if delivered personally or by mail. Delivery

(2) Where a notice or document that is required or authorized to be given or delivered to a person under this Act is mailed to the person at his last known address appearing on the records of the court in the proceeding, there is a rebuttable presumption that the notice or document is given or delivered to the person. Idem

84. No civil remedy for an act or omission is suspended or affected for the reason that the act or omission is an offence. Civil remedies preserved

85. Any action authorized or required by this Act is not invalid for the reason only that the action was taken on a non-judicial day. Process on holidays

86.—(1) The validity of any proceeding is not affected by, Irregularities in form

(a) any irregularity or defect in the substance or form of the summons, warrant, offence notice, parking infraction notice, undertaking to appear or recognizance; or

(b) any variance between the charge set out in the summons, warrant, parking infraction notice, offence notice undertaking to appear or recognizance and the charge set out in the information or certificate.

(2) Where it appears to the court that the defendant has been misled by any irregularity, defect or variance mentioned in subsection 1, the court may adjourn the hearing and may make such order as the court considers appropriate, including an order under section 57 for the payment of costs. Adjournment to meet irregularities

PART VI

APPEALS AND REVIEW

Interpre-
tation**87.** In this Part,

- (a) “county court” means a county or district court having jurisdiction in an appeal under section 88;
- (b) “county judge” means a judge of a county or district court having jurisdiction in an appeal under section 88;
- (c) “rules” means the rules made under section 117;
- (d) “sentence” includes any order or disposition consequent upon a conviction and an order as to costs.

APPEALS UNDER PART III

Appeal to
county or
district
court

88.—(1) Where a proceeding is commenced by information under Part III, the defendant or the prosecutor or the Attorney General by way of intervention may appeal to the county or district court of the county or district in which the adjudication was made and the appeal may be from a conviction or dismissal or from a finding as to ability, because of mental disorder, to conduct a defence or as to sentence.

Notice of
appeal

(2) The appellant shall give notice of appeal in such manner and within such period as is provided by the rules.

Custody
pending
appeal

89. A defendant who appeals shall, if he is in custody, remain in custody, but a judge of the county court may order his release upon any of the conditions set out in subsection 2 of section 128.

Recognizance
of appellant

90.—(1) An appellant other than the Attorney General shall, forthwith after filing the notice of appeal in accordance with the rules, appear before a justice and the justice may, after giving the appellant and respondent a reasonable opportunity to be heard, order that the appellant enter into a recognizance to appear on the appeal, personally or by counsel, and the recognizance may be in such amount with or without sureties as the justice directs.

Review

(2) Where a justice makes an order under subsection 1, either the appellant or respondent may, before or at any time during the hearing of the appeal, apply to the county court for a review of the order and the county court shall,

- (a) dismiss the application; or
- (b) allow the application, vacate the order made by the justice and make the order that in the opinion of the county court ought to have been made.

91.—(1) Where an appellant is in custody pending the hearing of the appeal and the hearing of the appeal has not commenced within thirty days from the day on which notice of the appeal was given, the person having custody of the appellant shall apply to a county judge to fix a date for the hearing of the appeal.

Fixing of
date where
appellant
in custody

(2) Upon receiving an application under subsection 1, the county judge shall, after giving the prosecutor a reasonable opportunity to be heard, fix a date for the hearing of the appeal and give such directions as he thinks appropriate for expediting the hearing of the appeal.

Idem

92. A person does not waive his right of appeal by reason only that he pays the fine or complies with any order imposed upon conviction.

Payment
of fine
not waiver

93. Where a notice of appeal has been filed, the clerk of the county court shall notify the clerk of the provincial offences court appealed from of the appeal and, upon receipt of the notification, the clerk of the provincial offences court shall transmit the order appealed from and transmit or transfer custody of all other material in his possession or control relevant to the proceedings to the clerk of the county court to be kept with the records of the county court.

Transmittal
of material

94.—(1) The county court may, where it considers it to be in the interests of justice,

Powers of
county court

- (a) order the production of any writing, exhibit or other thing relevant to the appeal;
- (b) order any witness who would have been a compellable witness at the trial, whether or not he was called at the trial,
 - (i) to attend and be examined before the court, or
 - (ii) to be examined in the manner provided by the rules before a judge of the court, or before any officer of the court or justice of the peace or other person appointed by the court for the purpose;

- (c) admit, as evidence, an examination that is taken under subclause ii of clause *b*;
- (d) receive the evidence, if tendered, of any witness;
- (e) order that any question arising on the appeal that,
 - (i) involves prolonged examination of writings or accounts, or scientific investigation, and
 - (ii) cannot in the opinion of the court conveniently be inquired into before the court,
 be referred for inquiry and report, in the manner provided by the rules, to a special commissioner appointed by the court; and
- (f) act upon the report of a commissioner who is appointed under clause *e* in so far as the court thinks fit to do so.

Right of
appellant

(2) In proceedings under this section, the parties or their counsel are entitled to examine or cross-examine witnesses and, in an inquiry under clause *e* of subsection 1, are entitled to be present during the inquiry and to adduce evidence and to be heard.

Rights of
appellant
to appear

95.—(1) Subject to subsection 2, an appellant who is in custody is entitled, if he desires, to be present at the hearing of the appeal.

Exceptions

(2) An appellant who is in custody and who is represented by counsel is not entitled to be present, on any proceedings that are preliminary or incidental to an appeal, unless the rules provide that he is entitled to be present or the county court or a judge thereof gives him leave to be present.

Sentencing
in absence

(3) The power of a county court to impose sentence may be exercised notwithstanding that the appellant is not present.

Written
argument

96. An appellant may present his case on appeal and his argument in writing instead of orally, and the county court shall consider any case or argument so presented.

Powers on
appeal
against
conviction

97.—(1) On the hearing of an appeal against a conviction or against a finding that the appellant is unable, because of mental disorder, to conduct his defence, the county court by order,

(a) may allow the appeal where it is of the opinion that,

- (i) the finding should be set aside on the ground that it is unreasonable or cannot be supported by the evidence,
- (ii) the judgment of the trial court should be set aside on the ground of a wrong decision on a question of law, or
- (iii) on any ground, there was a miscarriage of justice;

(b) may dismiss the appeal where,

- (i) the court is of the opinion that the appellant, although he was not properly convicted on a count or part of an information, was properly convicted on another count or part of the information,
- (ii) the appeal is not decided in favour of the appellant on any ground mentioned in clause *a*, or
- (iii) notwithstanding that the court is of the opinion that on any ground mentioned in subclause ii of clause *a* the appeal might be decided in favour of the appellant, it is of the opinion that no substantial wrong or miscarriage of justice has occurred; or

(c) may set aside the conviction and find the appellant unable, because of mental disorder, to conduct his defence and order a new trial subject to section 43.

(2) Where a county court allows an appeal under clause *a* ^{Idem} of subsection 1, it shall quash the conviction and,

- (a) direct a finding of acquittal to be entered; or
- (b) order a new trial.

(3) Where a county court dismisses an appeal under sub-clause i of clause *b* of subsection 1, it may substitute the finding that in its opinion should have been found and affirm the sentence passed by the trial court or impose a sentence that is warranted in law.

- Enforcement (4) A conviction made by the county court may be enforced,
- (a) in the same manner as if it had been made by the trial court; or
 - (b) by process of the county court.

Transmission of documents (5) Where a conviction that has been made or affirmed by a county court is to be enforced by the trial court, the clerk of the county court shall send to the clerk of the trial court the conviction and all writings relating thereto.

Powers on appeal against acquittal **98.** Where an appeal is from an acquittal, the county court may by order,

- (a) dismiss the appeal; or
- (b) allow the appeal, set aside the finding and,
 - (i) order a new trial, or
 - (ii) enter a finding of guilt with respect to the offence of which, in its opinion, the appellant should have been found guilty, and pass a sentence that is warranted in law.

Powers on appeal as to capacity to conduct defence **99.** Where a county court allows an appeal from a finding that the defendant is unable, because of mental disorder, to conduct his defence, it shall order a new trial.

Appeal against sentence **100.**—(1) Where an appeal is taken against sentence, the county court shall consider the fitness of the sentence appealed from and may, upon such evidence, if any, as it thinks fit to require or receive, by order,

- (a) dismiss the appeal; or
- (b) vary the sentence within the limits prescribed by law for the offence of which the defendant was convicted,

and, in making any order under clause *b*, the court may take into account any time spent in custody by the defendant as a result of the offence.

Variance of sentence (2) A judgment of a county court that varies a sentence has the same force and effect as if it were a sentence passed by the trial court.

One sentence on more than one count **101.** Where one sentence is passed upon a finding of guilt on two or more counts, the sentence is good if any of the counts would have justified the sentence.

102.—(1) Judgment shall not be given in favour of an appellant based on any alleged defect in the substance or form of an information, certificate or process or any variance between the information, certificate or process and the evidence adduced at trial unless it is shown that objection was taken at the trial and that, in the case of a variance, an adjournment of the trial was refused notwithstanding that the variance had misled the appellant.

Appeal
based on
defect in
informa-
tion or
process

(2) Where an appeal is based on a defect in a conviction or an order, judgment shall not be given in favour of the appellant, but the court shall make an order curing the defect.

Idem

103. Where a county court exercises any of the powers conferred by sections 94 to 102, it may make any order, in addition, that justice requires.

Additional
orders

104.—(1) Where a county court orders a new trial, it shall be held before a provincial offences court presided over by a justice other than the justice who tried the defendant in the first instance.

New trial

(2) Where a county court orders a new trial, it may make such order for the release or detention of the appellant pending such trial as may be made by a justice under subsection 2 of section 128 and the order may be enforced in the same manner as if it had been made by a justice under that subsection.

Order
for
release

105.—(1) Where, because of the condition of the record of the trial in the trial court or for any other reason, the county court, upon application of the appellant or respondent, is of the opinion that the interests of justice would be better served by hearing and determining the appeal by holding a new trial in the county court, the county court may order that the appeal shall be heard by way of a new trial in the county court in accordance with the rules, and for this purpose this Act applies, with necessary modifications, in the same manner as to a proceeding in a provincial offences court.

Trial
denovo

(2) The county court may, for the purpose of hearing and determining an appeal under subsection 1, permit the evidence of any witness taken before the trial court to be read if that evidence has been authenticated and if,

Evidence

(a) the appellant and respondent consent;

(b) the county court is satisfied that the attendance of the witness cannot reasonably be obtained; or

- (c) by reason of the formal nature of the evidence or otherwise the court is satisfied that the opposite party will not be prejudiced,

and any evidence that is read under the authority of this subsection has the same force and effect as if the witness had given the evidence before the county court.

Dismissal or
abandonment

106. The county court may, upon proof that notice of an appeal has been given and that,

- (a) the appellant has failed to comply with any order made under section 89 or 90 or with the conditions of any recognizance entered into under either of those sections; or
- (b) the appeal has not been proceeded with or has been abandoned,

order that the appeal be dismissed.

Costs

107.—(1) Where an appeal is heard and determined or is abandoned or is dismissed for want of prosecution, the county court may make any order with respect to costs that it considers just and reasonable.

Payment

(2) Where the county court orders the appellant or respondent to pay costs, the order shall direct that the costs be paid to the clerk of the court, to be paid by him to the person entitled to them, and shall fix the period within which the costs shall be paid.

Enforce-
ment

(3) Costs ordered to be paid under this section by a person other than a prosecutor acting on behalf of the Crown shall be deemed to be a fine for the purpose of enforcing its payment.

Appeal to
Court of
Appeal

108. A defendant or the prosecutor or the Attorney General by way of intervention may appeal from the judgment of the county or district court to the Court of Appeal, with leave of a justice of appeal, upon any question of law alone or as to sentence in accordance with the rules made under section 117.

Custody
pending
appeal

109. A defendant who appeals shall, if he is in custody, remain in custody, but a judge of the county court may order his release upon any of the conditions set out in subsection 2 of section 128.

110. Where an application for leave to appeal is made, the Registrar of the Court of Appeal shall notify the clerk of the county court appealed from of the application and, upon receipt of the notification, the clerk of the county court shall transmit to the Registrar all the material forming the record including any other relevant material requested by a justice of appeal. Transfer
of
record

111. Sections 92, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103 and 104, clause *b* of section 106 and section 107 apply, with necessary modifications, to appeals to the Court of Appeal under section 108. Application
of ss. 92,
94-104,
106 (b), 107

APPEALS UNDER PARTS I AND II

112.—(1) A defendant or the prosecutor or the Attorney General by way of intervention is entitled to appeal an acquittal, conviction or sentence in a proceeding commenced by certificate under Part I or II and the appeal shall be to the provincial court (criminal division) of the county or district in which the adjudication was made. Appeal

(2) A notice of appeal shall be in the prescribed form and shall state the reasons why the appeal is taken and shall be filed with the clerk of the provincial court (criminal division) within fifteen days after the making of the decision appealed from, in accordance with the rules. Application
for appeal

(3) The clerk shall, as soon as is practicable, give a notice to the defendant and prosecutor of the time and place of the hearing of the appeal. Notice of
hearing

(4) An appeal by a defendant shall not be heard if the defendant has not paid any fine imposed by the decision appealed from and due, except by leave of a judge. Payment
of fine
before
appeal

113.—(1) Upon an appeal, the court shall give the parties an opportunity to be heard for the purpose of determining the issues and may, where the circumstances warrant it, make such inquiries as are necessary to ensure that the issues are fully and effectively defined. Conduct
of appeal

(2) An appeal may be conducted by means of a review or by means of a new trial in the provincial court (criminal division) as directed by the court. Review or
new trial

(3) In determining a review or whether to direct a new trial, the court may, Evidence

- (a) hear or rehear the recorded evidence or any part thereof and may require any party to provide a transcript of the evidence, or any part thereof, or to produce any further exhibit;
- (b) receive the evidence of any witness whether or not the witness gave evidence at the trial;
- (c) require the justice presiding at the trial to report in writing on any matter specified in the request; or
- (d) receive and act upon statements of agreed facts or admissions.

Consequences
as factor
on review

(4) In conducting a review, the court shall have regard to all the consequences of conviction in addition to the penalty imposed by the sentence.

Dismissal
on abandon-
ment

114. Where an appeal has not been proceeded with or abandoned, the court may order that the appeal be dismissed.

Powers of
court on
appeal

115. Upon an appeal, the court may affirm, reverse or modify the decision appealed from.

Appeal to
Court of
Appeal

116. An appeal lies from the judgment of the provincial court (criminal division) to the Court of Appeal, with leave of a justice of appeal, upon any question of law alone in accordance with the rules made under section 117.

RULES FOR APPEALS

Rules of
court for
appeals

117. The Lieutenant Governor in Council may make rules of court not inconsistent with this or any other Act for the conduct of and governing practices and procedures on appeals in the county and district courts and the Court of Appeal under this Act, and respecting any matter arising from or incidental to such appeals.

REVIEW

Application
for relief
in nature of
mandamus,
prohibition,
certiorari

118.—(1) Upon an application by way of originating notice, the High Court may by order grant any relief in respect of matters arising under this Act that the applicant would be entitled to in proceedings by way of an application for an order in the nature of mandamus, prohibition or *certiorari*.

Notice of
application

(2) Notice of an application under this section shall be served on,

- (a) the person whose act or omission gives rise to the application;

- (b) any person who is a party to a proceeding that gives rise to the application; and
- (c) the Attorney General.

(3) An appeal lies to the Court of Appeal from an order ^{Appeal} made under this section.

119.—(1) A notice under section 118 in respect of an application for relief in the nature of *certiorari* shall be given at least seven days and not more than ten days before the date fixed for the hearing of the application and the notice shall be served within thirty days after the occurrence of the act sought to be quashed. ^{Notice re certiorari}

(2) Where a notice referred to in subsection 1 is served on the person making the decision, order or warrant or holding the proceeding giving rise to the application, such person shall forthwith file in the High Court for use on the application, all material concerning the subject-matter of the application. ^{Filing material}

(3) No application shall be made to quash a conviction, order or ruling from which an appeal is provided by this Act, whether subject to leave or otherwise. ^{Where appeal available}

(4) On an application for relief in the nature of *certiorari*, the High Court shall not grant relief unless the court finds that a substantial wrong or miscarriage of justice has occurred, and the court may amend or validate any decision already made, with effect from such time and on such terms as the court considers proper. ^{Substantial wrong}

(5) Where an application is made to quash a decision, order, warrant or proceeding made or held by a justice on the ground that he exceeded his jurisdiction, the High Court may, in quashing the decision, order, warrant or proceeding, order that no civil proceeding shall be taken against the justice or against any officer who acted under the decision, order or warrant or in the proceeding or under any warrant issued to enforce it. ^{Order for immunity from civil liability}

120.—(1) Upon an application by way of originating notice, the High Court may by order grant any relief in respect of a matter arising under this Act that the applicant would be entitled to in proceedings by way of an application for an order in the nature of *habeas corpus*. ^{Application for habeas corpus}

(2) Notice of an application under subsection 1 for relief in the nature of *habeas corpus* shall be served upon the person having custody of the person in respect of whom the application is made and upon the Attorney General and upon the hearing of the application the presence before the High Court ^{Procedure on application for relief in nature of habeas corpus}

of the person in respect of whom the application was made may be dispensed with by consent, in which event the High Court may proceed to dispose of the matter forthwith as the justice of the case requires.

Application
of
R.S.O. 1970,
c. 197

(3) Subject to subsections 1 and 2, *The Habeas Corpus Act* applies to applications under this section, but an application for relief in the nature of *certiorari* may be brought in aid of an application under this section.

1971, c. 48 and
R.S.O. 1970,
c. 228, ss. 69, 70
do not apply

(4) *The Judicial Review Procedure Act, 1971* and sections 69 and 70 of *The Judicature Act* do not apply to matters in respect of which an application may be made under section 118 for relief in the nature of *certiorari*.

PART VII

ARREST, BAIL AND SEARCH WARRANTS

Arrest

Officer
in charge

121. In this Part, "officer in charge" means the member of the police force who is in charge of the lock-up or other place to which a person is taken after his arrest.

Execution
of warrant

122.—(1) A warrant for the arrest of a person shall be executed by a police officer by arresting the person against whom the warrant is directed wherever he is found in Ontario.

Idem

(2) A police officer may arrest without warrant a person for whose arrest he has reasonable and probable grounds to believe that a warrant is in force in Ontario.

Citizen's
arrest

123. Any person, other than a police officer, may arrest without warrant a person who he has reasonable and probable grounds to believe has committed an offence and is escaping from and freshly pursued by a police officer who has lawful authority to arrest that person, and shall forthwith deliver the person arrested to a police officer.

Use of
force

124. Every police officer and person acting in aid of a police officer is, if he acts on reasonable and probable grounds, justified in using as much force as is necessary to do what the police officer is required or authorized by law to do.

Immunity
from civil
liability

125. Where a person is wrongfully arrested, whether with or without a warrant, no action for damages shall be brought,

(a) against the police officer making the arrest if he believed in good faith and on reasonable and probable grounds that the person arrested was the person named in the warrant or was subject to arrest without warrant under the authority of an Act;

- (b) against any person called upon to assist the police officer if such person believed that the police officer had the right to effect the arrest; or
- (c) against any person required to detain the prisoner in custody if such person believes the arrest was lawfully made.

126.—(1) It is the duty of every one who executes a process or warrant to have it with him, where it is feasible to do so, and to produce it when requested to do so. Production of process

(2) It is the duty of every one who arrests a person, whether with or without warrant, to give notice to that person, where it is feasible to do so, of the reason for the arrest. Notice of reason for arrest

Bail

127.—(1) Where a police officer acting under a warrant or other power of arrest, arrests a person, the police officer shall, as soon as is practicable, release the person from custody after serving him with a summons under section 3 or obtaining his undertaking to appear in the prescribed form unless he has reasonable and probable grounds to believe that, Release after arrest by officer

(a) it is necessary in the public interest for the person to be detained, having regard to all the circumstances including the need to,

- (i) establish the identity of the person,
- (ii) secure or preserve evidence of or relating to the offence, or
- (iii) prevent the continuation or repetition of the offence or the commission of another offence; or

(b) the person arrested is ordinarily resident outside Ontario.

(2) Where a defendant is not released from custody under subsection 1, the police officer shall deliver him to the officer in charge who shall, where in his opinion the conditions set out in clauses *a* and *b* of subsection 1 do not or no longer exist, release the defendant, Release by officer in charge

- (a) upon serving him with a summons under section 3;
- (b) upon his giving an undertaking to appear in the prescribed form; or

- (c) upon his entering into a recognizance in the prescribed form without sureties conditioned for his appearance in court.

Cash bail
by non-
resident

(3) Where the defendant is held for the reason only that he is not ordinarily resident in Ontario, the officer in charge may, in addition to anything required under subsection 2, require the defendant to deposit cash in an amount not to exceed,

- (a) where the offence is commenced by certificate under Part I or II, the amount of the set fine for the offence or, if none, \$300; or
- (b) where the offence is commenced by information under Part III, \$500.

Person in
custody to
be brought
before
justice

128.—(1) Where a defendant is not released from custody under section 127, the officer in charge shall, as soon as is practicable but in any event within twenty-four hours, bring him before a justice and the justice shall, unless a plea of guilty is taken, order that the defendant be released upon giving his undertaking to appear unless the prosecutor having been given an opportunity to do so shows cause why the detention of the defendant is justified to ensure his appearance in court or why an order under subsection 2 is justified for the same purpose.

Order for
conditional
release

(2) Subject to subsection 1, the justice may order the release of the defendant,

- (a) upon his entering into a recognizance to appear with such conditions as are appropriate to ensure his appearance in court;
- (b) where the offence is one punishable by imprisonment for twelve months or more, conditional upon his entering into a recognizance before a justice with sureties in such amount and with such conditions, if any, as are appropriate to ensure his appearance in court but without deposit of money or other valuable security; or
- (c) if the defendant is not ordinarily resident in Ontario, upon his entering into a recognizance before a justice, with or without sureties, in such amount and with such conditions, if any, as are appropriate to ensure his appearance in court, and depositing with the justice such sum of money or other valuable security as the order directs in an amount not exceeding,

(i) where the offence is one commenced by certificate under Part I or II, the amount of the set fine for the offence or if none, \$300, or

(ii) where the offence is one commenced by information under Part III, \$1,000.

(3) The justice shall not make an order under clause *b* or *c* ^{Idem} of subsection 2 unless the prosecutor shows cause why an order under the immediately preceding clause should not be made.

(4) Where the prosecutor shows cause why the detention ^{Order for detention} of the defendant in custody is justified to ensure his appearance in court, the justice shall order the defendant to be detained in custody until he is dealt with according to law.

(5) The justice shall include in the record a statement of ^{Reasons} his reasons for his decision under subsection 1, 2 or 4.

(6) In a proceeding under subsection 1, the justice may ^{Evidence at hearing} receive and base his decision upon information he considers credible or trustworthy in the circumstances of each case except that the defendant shall not be examined or cross-examined in respect of the offence with which he is charged.

(7) A proceeding under subsection 1 shall not be adjourned ^{Adjournments} for more than three days without the consent of the defendant.

129.—(1) Where a defendant is not released from custody ^{Expediting trial of person in custody} under section 127 or 128, he shall be brought before the court for trial forthwith and, in any event, within eight days.

(2) The justice presiding upon any appearance of the defendant in court may, upon the application of the defendant or prosecutor, review any order made under section 128 and make such further or other order under section 128 as to him seems appropriate in the circumstances. ^{Further orders}

130. A defendant or the prosecutor may appeal from an ^{Appeal} order or refusal to make an order under section 128 or 129 and the appeal shall be to the county or district court of the county or district in which the adjudication was made and shall be conducted in accordance with the rules made under section 117.

131.—(1) A person who is released upon deposit of a ^{Appointment of agent for appearance} sum of money under subsection 3 of section 127 or clause *c* of subsection 2 of section 128 may appoint the clerk of the

court to act as his agent, in the event that he does not appear to answer to the charge, for the purpose of entering a plea of guilty on his behalf and authorizing the clerk to apply the moneys so deposited toward payment of the fine and costs imposed by the court upon the conviction, and the clerk shall act as agent under this subsection without fee.

Returns
to court

(2) An officer in charge or justice who takes a recognizance, money or security under section 127 or 128 shall make a return thereof to the court where the defendant is required to appear.

Returns
to
sureties

(3) The clerk of the court shall, upon the conclusion of proceedings, make a financial return to every person who deposited money or security under a recognizance.

Recognizance
binds for
all
appearances

132.—(1) Where a person is bound by recognizance to appear before a court, the recognizance binds the person and his sureties in respect of all appearances required in the proceeding at times and places to which the sittings of the court is adjourned.

Recognizance
binds
independ-
ently of
other
charges

(2) A recognizance is binding in respect of appearances for the offence to which it relates and is not vacated upon the arrest, discharge or conviction of the defendant upon another charge.

Liability
joint and
several

(3) The principal and each surety to a recognizance are bound, jointly and severally, for the amount of the recognizance due upon forfeiture.

Application
by surety
to be
relieved

133.—(1) A surety to a recognizance may, by application in writing to the court, apply to be relieved of his obligation under the recognizance and the court shall thereupon issue a warrant for the arrest of the defendant.

Certificate
of
arrest

(2) When a police officer arrests the defendant under a warrant issued under subsection 1, he shall certify the arrest by certificate in the prescribed form and deliver the certificate to the court.

Vacating of
recognizance

(3) The receipt of the certificate by the court under subsection 2 vacates the recognizance and discharges the sureties.

Delivery of
defendant
by surety

134. A surety to a recognizance may discharge his obligation under the recognizance by delivering the defendant into the custody of the court at which he is required to appear at any time while it is sitting at or before the trial of the defendant.

135.—(1) Where a person who is bound by recognizance does not comply with a condition of the recognizance, a justice having knowledge of the facts shall endorse on the recognizance a certificate in the prescribed form setting out, Certificate of default

- (a) the nature of the default;
- (b) the reason for the default, if it is known;
- (c) whether the ends of justice have been defeated or delayed by reason of the default; and
- (d) the names and addresses of the principal and sureties.

(2) A certificate that has been endorsed on a recognizance under subsection 1 is evidence of the default to which it relates. Certificate as evidence

(3) The clerk of the court shall transmit the endorsed recognizance to the clerk of the county or district court of the same county or district and, upon its receipt, the endorsed recognizance constitutes an application for the forfeiture of the recognizance. Application for forfeiture

(4) A judge of the county or district court shall fix a time and place for the hearing of the application by the county or district court and the clerk of the county or district court shall, not less than ten days before the time fixed for the hearing, deliver notice to the prosecutor and to each principal and surety named in the recognizance, of the time and place fixed for the hearing and requiring each principal and surety to show cause why the recognizance should not be forfeited. Notice of hearing

(5) The county or district court may, after giving the parties an opportunity to be heard, in its discretion grant or refuse the application and make any order in respect of the forfeiture of the recognizance that the court considers proper. Order as to forfeiture

(6) Where an order for forfeiture is made under subsection 5, Collection on forfeiture

- (a) any money or security forfeited shall be paid over by the person who has custody of it to the person who is entitled by law to receive it; and
- (b) the principal and surety become judgment debtors of the Crown jointly and severally in the amount forfeited under the recognizance and the amount may be collected in the same manner as money owing under a judgment of the county or district court.

*Search Warrants*Search
warrant

136.—(1) Where a justice is satisfied by information upon oath that there is reasonable ground to believe that there is in any building, receptacle or place,

- (a) anything upon or in respect of which an offence has been or is suspected to have been committed; or
- (b) anything that there is reasonable ground to believe will afford evidence as to the commission of an offence,

he may at any time issue a warrant in the prescribed form under his hand authorizing a police officer or person named therein to search such building, receptacle or place for any such thing, and to seize and carry it before the justice issuing the warrant or another justice in the county or district in which the provincial offences court having jurisdiction in respect of the offence is situated to be dealt with by him according to law.

Expiration

(2) Every search warrant shall name a date upon which it expires, which date shall be not later than fifteen days after its issue.

When to be
executed

(3) Every search warrant shall be executed between sunrise and sunset, unless the justice by the warrant authorizes its execution at night.

Detention
of things
seized

137.—(1) Where any thing is seized and brought before a justice, he shall by order,

- (a) detain it or direct it to be detained in the care of a person named in the order; or
- (b) direct it to be returned,

and the justice may make any other provision in the order as, in the opinion of the justice, is appropriate for its preservation.

Time
limit for
detention

(2) Nothing shall be detained under an order made under subsection 1 for a period of more than three months after the time of seizure unless, before the expiration of that period,

- (a) upon application, a justice is satisfied that having regard to the nature of the investigation, its further detention for a specified period is warranted and he so orders; or

(b) proceedings are instituted in which the thing detained may be required.

(3) Upon the application of the defendant or person having an interest in a thing detained under subsection 1, a justice may make an order for the examination, testing, inspection or reproduction of any thing detained upon such conditions as are reasonably necessary and directed in the order.

Application
for
examination
and
copying

(4) Upon the application of a person having an interest in a thing detained under subsection 1, and upon notice to the defendant, the person from whom the thing was seized, the person to whom the search warrant was issued and any other person who has an apparent interest in the thing detained, a justice may make an order for the release of any thing detained to the person from whom the thing was seized where it appears that the thing detained is no longer necessary for the purpose of an investigation or proceeding.

Application
for release

(5) Where an order or refusal to make an order under subsection 3 or 4 is made by a justice of the peace, an appeal lies therefrom in the same manner as an appeal from a conviction in a proceeding commenced by means of a certificate.

Appeal
where
order by
justice of
the peace

138.—(1) Where under a search warrant a person is about to examine or seize a document that is in the possession of a lawyer and a solicitor-client privilege is claimed on behalf of a named client in respect of the document, the person shall, without examining or making copies of the document,

Examination
or seizure
of documents
where
privilege
claimed

- (a) seize the document and place it, together with any other document seized in respect of which the same claim is made on behalf of the same client, in a package and seal and identify the package; and
- (b) place the package in the custody of the clerk of the court in the jurisdiction of which the seizure was made or, with the consent of the person and the client, in the custody of another person.

(2) Where a document has been seized and placed in custody under subsection 1, the client by or on whose behalf the claim of solicitor-client privilege is made may apply to a judge for an order sustaining the privilege and for the return of the document.

Application
to determine
privilege

(3) An application under subsection 2 shall be made not later than thirty days after the date on which the document was placed in custody.

Limitation

Attorney
General
a party

(4) The person who seized the document and the Attorney General are parties to an application under subsection 2 and entitled to notice thereof.

Private
hearing and
scrutiny by
judge

(5) An application under subsection 2 shall be heard in private, and, for the purposes of the hearing, the judge may examine the document and, if he does so, shall cause it to be resealed.

Order

(6) The judge may, by order,

- (a) declare that the solicitor-client privilege exists or does not exist in respect of the document;
- (b) direct that the document be delivered up to the appropriate person.

Release of
document
where no
application
under
subs. 2

(7) Where it appears to a judge upon the application of the Attorney General or person who seized the document that no application has been made under subsection 2 within the time limit prescribed by subsection 3, the judge shall order that the document be delivered to the applicant.

PART VIII

ORDERS ON APPLICATION UNDER STATUTES

Orders
under
statutes

139. Where, by any other Act, proceedings are authorized to be taken before a court or a justice for an order, including an order for the payment of money, this Act applies, with necessary modifications, to the proceeding which shall be commenced in the same manner as in the case of an information charging an offence, and for the purpose,

- (a) in place of an information, the applicant shall complete a statement in the prescribed form under oath attesting, on reasonable and probable grounds, to the existence of facts that would justify the order sought; and
- (b) in place of a plea, the defendant shall be asked whether or not he wishes to dispute the making of the order.

PART IX

COMMENCEMENT AND TRANSITION

Application

140.—(1) This Act, except Parts I and II, applies to offences in respect of which proceedings are commenced after this Act comes into force.

(2) Part I and Part II apply to offences occurring after that ^{Idem} Part comes into force.

141.—(1) Subject to subsection 2, the following are ^{Repeals} repealed:

1. *The Summary Convictions Act*, being chapter 450 of the Revised Statutes of Ontario, 1970.
2. *The Summary Convictions Amendment Act, 1971*, being chapter 10.
3. Section 5 of *The Probation Act*, being chapter 364 of the Revised Statutes of Ontario, 1970.

(2) The enactments repealed by subsection 1 continue in ^{Transition} force in respect of offences to which this Act does not apply.

142.—(1) A reference in any Act, regulation or by-law to ^{Reference to} *The Summary Convictions Act* shall be deemed to be a ^{R.S.O. 1970, c. 450} reference to this Act.

(2) A reference in any Act, regulation or by-law to ^{References to} proceeding by summary conviction shall be deemed to refer ^{to summary conviction} to the procedures under this Act.

143. This Act comes into force on a day to be named by ^{Commence-} proclamation of the Lieutenant Governor. ^{ment}

144. The short title of this Act is *The Provincial Offences* ^{Short title} *Act, 1978*.

Procedure for Provincial Offences

1st Reading

April 27th, 1978

2nd Reading

3rd Reading

THE HON. R. McMURTRY
Attorney General

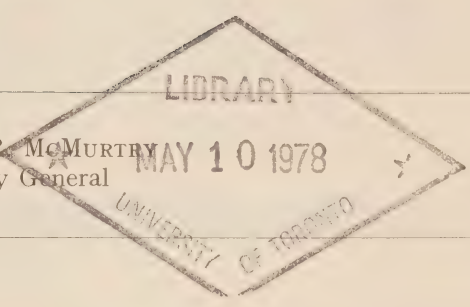
(Government Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

Legislative Assembly

An Act to amend The Provincial Courts Act

THE HON. R. McMURTRY
Attorney General



EXPLANATORY NOTES

SECTION 1. The new provision empowers the courts and judges to proceed in accordance with the due administration of justice where express procedures are not otherwise provided.

SECTION 2. The chief judge of the provincial courts (criminal division) is chief judge of the provincial offences courts.

SECTION 3. The rules committee for provincial courts (criminal division) is established in respect of procedures under the *Criminal Code* (Canada). The same rules committee will make rules for provincial offences courts under section 16f, as enacted by section 4 of this Bill.

An Act to amend The Provincial Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Provincial Courts Act*, being chapter 369 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(1a) Where jurisdiction is conferred on a judge, justice of the peace or provincial court, in the absence of express provision for procedures therefor in any Act, regulation or rule, the judge, justice of the peace or provincial court shall exercise the jurisdiction in any manner consistent with the due administration of justice.

s. 9,
amended

Where
procedures
not
provided
2. Section 10 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 46, section 1, is further amended by adding thereto the following subsection:

(1a) The chief judge of the provincial courts (criminal division) is chief judge of the provincial offences courts.

s. 10,
amended

Chief judge
of provincial
offences
courts
3. The said Act is amended by adding thereto the following section:

16a.—(1) The rules committee of the provincial courts (criminal division) is established and shall be composed of such members as are appointed by the Lieutenant Governor in Council who shall designate one of the members as chairman.

(2) A majority of the members of the rules committee constitutes a quorum.

(3) The rules committee of the provincial courts (criminal division) is a provincial court (criminal division) for the purpose of making rules of court under the *Criminal Code* (Canada).

s. 16a,
enacted

Rules
committee

Quorum

Rules

R.S.C. 1970,
c. C-34

Part II-A
(ss. 16b-16f),
enacted

4. The said Act is further amended by adding thereto the following Part:

PART II-A

Provincial
offences
court

16b.—(1) There shall be in every county and district a court of record to be styled,

- (a) in counties, the “Provincial Offences Court of the County (or Judicial District or United Counties) of (*naming the county, etc.*)”;
- (b) in districts, the “Provincial Offences Court of the District of (*naming the district*)”,

presided over by a judge or justice of the peace.

Jurisdiction

(2) Each provincial offences court has jurisdiction to hear, determine and dispose of,

1978, c.

- (a) all matters in which jurisdiction is conferred by *The Provincial Offences Act, 1978*; and
- (b) any other matter assigned to it by or under any statute.

Sittings

16c.—(1) The provincial offences courts may hold sittings at any place in the county or district designated by the chief judge of the provincial offences courts.

Idem

(2) Where a proceeding in which a provincial offences court has jurisdiction is conducted during the course of a sitting of the provincial court (criminal division) or provincial court (family division) in the same county or district, the proceeding shall be deemed to be conducted in the provincial offences court.

Penalty
for
contempt

16d.—(1) Except as otherwise provided by statute, every person who commits contempt in the face of a provincial offences court is upon conviction liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than thirty days, or to both.

Statement
to
offender

(2) Before proceedings are taken for contempt under subsection 1, the court shall inform the offender of the conduct complained of and the nature of the contempt and inform him of his right to show cause why he should not be punished.

SECTION 4. The provincial offences courts are established in a manner parallel to provincial courts (criminal division). Provision is made for contempt procedures and rules. The new Part is complementary to the Bill to enact *The Provincial Offences Act, 1978*.

(3) A punishment for contempt in the face of the court shall not be imposed without giving the offender an opportunity to show cause why he should not be punished. Show cause

(4) Except where, in the opinion of the court, it is necessary to deal with the contempt immediately for the preservation of order and control in the courtroom, the court shall adjourn the contempt proceeding to another day. Adjournment for adjudication of contempt

(5) Where a contempt proceeding is adjourned to another day under subsection 1, the contempt proceeding shall be heard and determined by the court presided over by a judge. Adjudication by a judge

(6) Where the court proceeds to deal with a contempt immediately and without adjournment under subsection 4, the court may order the offender arrested and detained in the courtroom for the purpose of the hearing and determination. Arrest for immediate adjudication of contempt

(7) Where the offender is appearing before the court as an agent who is not a barrister and solicitor entitled to practise in Ontario, the court may order that he be barred from acting as agent in the proceeding in addition to any other punishment to which he is liable. Barring of agent in contempt

(8) An order of punishment for contempt under this section is appealable in the same manner as if it were a conviction in proceedings commenced by certificate under Part I of *The Provincial Offences Act, 1978*. Appeals 1978, c.

(9) *The Provincial Offences Act, 1978* applies for the purpose of enforcing a punishment by way of a fine or imprisonment under this section. Enforcement

16e. Any person who knowingly disturbs or interferes with the proceedings of a provincial offences court, without reasonable justification, while outside the courtroom is guilty of an offence and upon conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than thirty days, or to both. Penalty for disturbance outside courtroom

16f. Subject to the approval of the Lieutenant Governor in Council, the rules committee of the provincial courts (criminal division) may make rules regulating any matters relating to the practice and procedure of the provincial offences courts including, without limiting the generality of the foregoing, Rules for provincial offences courts

- (a) prescribing forms respecting proceedings in the court;

(b) prescribing any matter required to be or referred to as prescribed by the rules of the court ;

(c) prescribing and regulating the proceedings under any Act that confers jurisdiction upon a provincial offences court or a judge or justice of the peace sitting therein.

s. 27,
amended

5. Section 27 of the said Act is amended by adding thereto the following subsection:

Idem

(1a) The clerk of a provincial court (criminal division) is the clerk of the provincial offences court of the same county or district.

References
to
provincial
courts
(criminal
division)

6. Where, in any Act, regulation or by-law, a reference is made to a provincial court (criminal division) in connection with a provincial offence, the reference shall be deemed to be to a provincial offences court.

Commence-
ment

7. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

8. The short title of this Act is *The Provincial Courts Amendment Act, 1978*.

SECTION 5. The amendment provides for clerks for the provincial offences courts.

SECTION 6. The provision recognizes the transfer of jurisdiction from provincial courts (criminal division) to provincial offences courts.

An Act to amend
The Provincial Courts Act

1st Reading

April 27th, 1978

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(*Government Bill*)

3
-B 56

GOVERNMENT
PUBLICATIONS

34 BILL 76

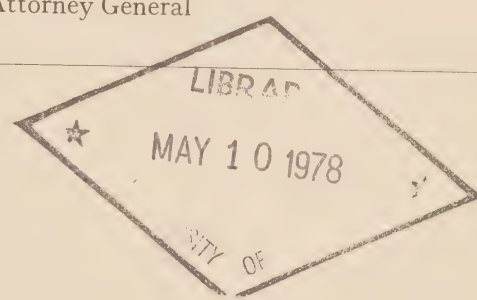
Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

Legislative Assembly

An Act to amend The Change of Name Act

THE HON. R. MCMURTRY
Attorney General



TORONTO

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EXPLANATORY NOTES

SECTION 1. Section 3 (2) at present reads as follows:

(2) *Where the applicant is an infant, he shall be deemed to be of full age for all purposes of this Act.*

The provision was necessary when the age of majority was 21 and applicants could make application for change of name at 18. The provision has no function with the reduction of the age of majority to 18.

SECTION 2. This provision removes uncertainty as to the validity of orders already made.

BILL 76

1978

An Act to amend The Change of Name Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Change of Name Act*, being ^{s. 3 (2).} chapter 60 of the Revised Statutes of Ontario, 1970, is repealed. ^{repealed}
2. An order effecting a change of name made before this Act ^{Orders} comes into force is not invalid for the reason only that the ^{previously} applicant was a minor. ^{made}
3. This Act comes into force on the day it receives Royal Assent. ^{Commence-}
4. The short title of this Act is *The Change of Name Amendment* ^{Short title} *Act, 1978*.

An Act to amend
The Change of Name Act

1st Reading

April 27th, 1978

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

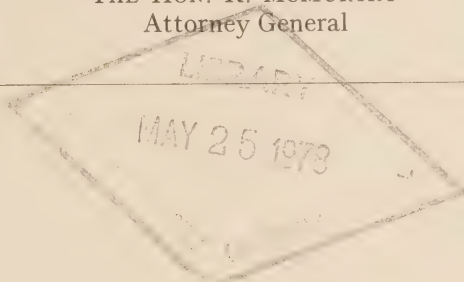
(Government Bill)

BILL 76

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Change of Name Act

THE HON. R. MCMURTRY
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 76

1978

An Act to amend The Change of Name Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Change of Name Act*, being chapter 60 of the Revised Statutes of Ontario, 1970, is repealed. s.3 (2),
repealed
2. An order effecting a change of name made before this Act comes into force is not invalid for the reason only that the applicant was a minor. Orders
previously
made
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. The short title of this Act is *The Change of Name Amendment Act, 1978*. Short title

AN ACT TO AMEND
THE CHANGE OF NAME ACT

1st Reading

April 27th, 1978

2nd Reading

May 11th, 1978

3rd Reading

May 11th, 1978

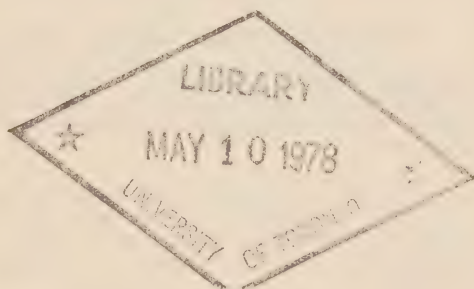
THE HON. R. MCMURTRY
Attorney General

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

Legislative Assembly

An Act to amend The Corporations Act

THE HON. L. GROSSMAN
Minister of Consumer and Commercial Relations



EXPLANATORY NOTES

SECTION 1. The section repealed permits a business that is not incorporated to notify the Minister of its business name for notation in the records. These business names are now required to be filed with the Registrar of Partnerships and the repealed section is superfluous.

SECTION 2. The subsection as amended reads as follows:

(13) *A mutual insurance corporation incorporated for the purposes of undertaking contracts of fire insurance solely on the premium note plan or under a contract to which the Fire Mutuals Guarantee Fund is applicable in accordance with section 143 of The Insurance Act has and is limited to the power to,*

- (a) *undertake contracts of fire insurance upon agricultural property or property that is not mercantile or manufacturing or hazardous, on the premium note plan in accordance with The Insurance Act;*
- (b) *in respect of property that it insures against fire, undertake contracts of property damage insurance, theft insurance or any class or classes of insurance set out in section 27 of The Insurance Act;*
- (c) *undertake contracts of employers' liability insurance or public liability insurance as defined in The Insurance Act in the case of persons whose property it insures against fire, but such insurance shall be limited to liability arising from the use and occupancy of the property insured against fire;*
- (d) *undertake contracts of hail insurance as defined for the purposes of The Insurance Act in the case of persons whose property it insures against fire; and*
- (e) *undertake contracts of weather insurance as defined for the purposes of The Insurance Act in the case of persons whose property it insures against fire.*

The words underlined are being added.

The amendment ensures that a corporation entering into an agreement to establish and maintain the Fire Mutuals Guarantee Fund that was provided for in 1975 is subject to the limitation of subsection 13 of section 169 of the Act.

SECTION 3. The amendment brings up to date the reference to the *Criminal Code* (Canada). The reference makes the use of an incorporated social club as a common gaming house as set out in the *Criminal Code* grounds for cancellation of the letters patent.

SECTION 4. Section 382 of the Act reads as follows:

- 382.—(1) *The Minister shall, after the close of each fiscal year, prepare an annual report showing the licences issued under this Part during such year, the authorized capital of each corporation licensed and the fee paid for each licence.*
- (2) *The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.*

The Part of the Act in which the section is found deals with extra-provincial corporations. Certain classes of extra-provincial corporations are prohibited from carrying on business in Ontario without a licence.

BILL 77

1978

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, is repealed. s. 17,
repealed
2. Subsection 13 of section 169 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 25, section 2 and amended by 1973, chapter 104, section 2, is further amended by inserting after "plan" in the third line "or under a contract to which the Fire Mutuals Guarantee Fund is applicable in accordance with section 143 of *The Insurance Act*". s. 169 (13),
amended
3. Clause *a* of section 346 of the said Act is repealed and the following substituted therefor: s. 346 (a),
re-enacted

(a) occupies and uses a house, room or place as a club that, except for clause *a* of subsection 2 of section 179 of the *Criminal Code* (Canada) would be a common gaming house as defined in subsection 1 thereof; or

.
4. Section 382 of the said Act is repealed. s. 382,
repealed
5. This Act comes into force on the day it receives Royal Assent. Commence-
ment
6. The short title of this Act is *The Corporations Amendment Act, 1978*. Short title

An Act to amend
The Corporations Act

1st Reading

April 28th, 1978

2nd Reading

3rd Reading

THE HON. I. GROSSMAN
Minister of Consumer and
Commercial Relations

(Government Bill)

B
B56

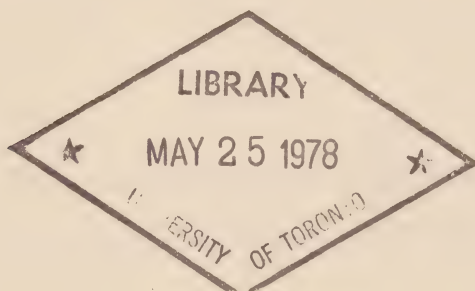
BILL 77

Government
Publications

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Corporations Act

THE HON. L. GROSSMAN
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 77

1978

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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2. Subsection 13 of section 169 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 25, section 2 and amended by 1973, chapter 104, section 2, is further amended by inserting after "plan" in the third line "or under a contract to which the Fire Mutuals Guarantee Fund is applicable in accordance with section 143 of *The Insurance Act*". s. 169 (13),
amended
3. Clause *a* of section 346 of the said Act is repealed and the following substituted therefor: s. 346 (a),
re-enacted

(a) occupies and uses a house, room or place as a club that, except for clause *a* of subsection 2 of section 179 of the *Criminal Code* (Canada) would be a common gaming house as defined in subsection 1 thereof; or

.
4. Section 382 of the said Act is repealed. s. 382,
repealed
5. This Act comes into force on the day it receives Royal Assent. Commence-
ment
6. The short title of this Act is *The Corporations Amendment Act, 1978*. Short title

An Act to amend
The Corporations Act

1st Reading

April 28th, 1978

2nd Reading

May 11th, 1978

3rd Reading

May 11th, 1978

THE HON. L. GROSSMAN
Minister of Consumer and
Commercial Relations

BILL 78

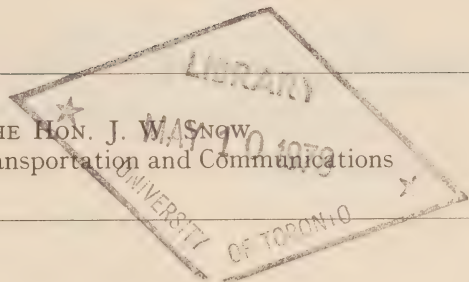
Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

Legislative Assembly

**An Act to amend
The Public Commercial Vehicles Act**

THE HON. J. W. SNOW
Minister of Transportation and Communications



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Section 1 (*k*) of the Act defines public commercial vehicle, basically, as a commercial vehicle licensed under the Act. The amendment goes on to include a vehicle for which a temporary exemption to licensing has been provided.

SECTION 2.—Subsection 1. Section 2 (1) of the Act prohibits the operation of a commercial vehicle for compensation without proper licences.

Section 2 (2) of the Act provides exceptions to the prohibition found in section 2 (1) of the Act. The list of goods that may be carried without licence is expanded.

BILL 78

1978

An Act to amend The Public Commercial Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Public Commercial Vehicles Act*, <sup>s. 1 (k),
amended</sup> being chapter 375 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 166, section 1, is amended by adding at the end thereof "or for which temporary exemptions have been provided under the regulations".
- 2.—(1) Subsection 2 of section 2 of the said Act, as re-enacted <sup>s. 2 (2),
re-enacted</sup> by the Statutes of Ontario, 1973, chapter 166, section 2, is repealed and the following substituted therefor:
 - (2) Subsection 1 does not apply to the transportation of, Exceptions
 - (a) goods within an urban zone;
 - (b) fresh fruit or fresh vegetables;
 - (c) logs, timber, rough or dressed lumber, wooden ties and poles, plywood, particle board, waferboard, fibreboard, veneer, bark, woodchips, shavings, sawdust or wood flour;
 - (d) farm or forest produce, other than live stock or milk, that are the produce of the farm or forest from which they are being transported;
 - (e) ready mixed concrete;
 - (f) waste, including ashes, garbage, refuse, domestic waste, municipal refuse and industrial waste other than liquid industrial waste; or
 - (g) hay, straw, live stock feed, grain, seed, turf, sod, farm produce containers, manure, pesticides, agri-

cultural limestone, fencing materials, or bagged or dry bulk fertilizer.

s. 2,
amended

- (2) The said section 2, as amended by the Statutes of Ontario, 1971, chapter 50, section 71 and 1973, chapter 166, section 2, is further amended by adding thereto the following subsections:

Penalty

(3) Every person to whom subsection 1 applies who operates a commercial vehicle on a highway for the transportation for compensation of goods of another person without an operating licence or in contravention of the terms and conditions of his operating licence is guilty of an offence and on summary conviction is liable,

(a) for a first offence, to a fine of not less than \$250 and not more than \$5,000; and

(b) for each subsequent offence, to a fine of not less than \$500 and not more than \$5,000.

Subsequent
offences

(3a) Where a person who has previously been convicted of an offence mentioned in subsection 3 is convicted of the same or any other offence mentioned in subsection 3 within five years after the date of the previous conviction, the offence for which he is last convicted shall be deemed to be a subsequent offence for the purpose of clause *b* of subsection 3.

s. 2a,
enacted

3. The said Act is amended by adding thereto the following section:

Hiring of
unlicensed
commercial
vehicle

2a. Where, under the provisions of this Act, a licence is required for the transportation of goods, no person shall hire, directly or indirectly, or participate in an arrangement to hire a person to transport such goods by means of a commercial vehicle knowing that the person hired, by, for or on behalf of whom the commercial vehicle is operated, is not the holder of the required licence.

s. 5,
amended

4. Section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71 and amended by 1975 (2nd Session), chapter 7, section 1, is further amended by adding thereto the following subsection:

Condition
deleted

(4) Every operating licence issued by the Minister under this section and every certificate issued by the Board under section 6 which contains a condition having the effect of restricting or prohibiting the transportation of goods to or from any point north of North Bay, including any point

Subsection 2. The new section 2 (3) of the Act provides a penalty different from the general penalty found in the Act where the contravention of section 2 (1) of the Act is in operating without an operating licence or in contravention of an operating licence. The fine is increased for subsequent offences by the new section 2 (3a) of the Act.

SECTION 3. The provision makes it an offence for a person shipping goods to hire a transporter whom the shipper knows does not have the necessary licence.

SECTION 4. Self-explanatory.

SECTION 5.—Subsection 1. The amendment is complementary to section 5 (2) of the Bill.

Subsection 2. The new subsections being added to section 6 of the Act provide for the issuance of a probationary operating licence to persons who have been operating without a licence between September 30, 1974 and October 1, 1976 and are also so operating at the time the application is made.

This privilege would be available to those who apply within 120 days after these provisions come into force.

The probationary licence would be valid for one year after which time the Board would review the matter and either revoke the certificate or issue a new certificate approving a regular operating licence.

north of North Bay on King's Highway No. 11 and all highways connecting with King's Highway No. 11 north of its intersection with King's Highway No. 17 near North Bay, is hereby amended by the deletion of the condition.

5.—(1) Subsection 2 of section 6 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71 and amended by 1975 (2nd Session), chapter 7, section 2, is further amended by striking out "subsection 3" in the amendment of 1975 (2nd Session) and inserting in lieu thereof "subsections 3 and 11". s. 6 (2),
amended

(2) The said section 6, as amended by the Statutes of Ontario, 1975 (2nd Session), chapter 7, section 2 and 1976, chapter 22, section 1, is further amended by adding thereto the following subsections: s. 6.
amended

(9) An application for a probationary operating licence or licences may be made to the Board by a person who has not been the holder of an operating licence at any time between the 30th day of September, 1974 and the 1st day of October, 1976. Applicants
who operated
between
September 30,
1974 and
October 1, 1976

(10) In support of an application made under subsection 9, the person making the application shall submit to the Board evidence showing, Evidence in
support of
application

- (a) that, from the 1st day of October, 1974 to the 30th day of September, 1976, the applicant operated on a continuing basis one or more commercial vehicles transporting goods for compensation where the operation was not restricted to urban zones;
- (b) the number of commercial vehicles operated by the applicant;
- (c) a description of goods carried and names of the consignors of the goods;
- (d) the points of origin and destination of the goods described under clause c;
- (e) that persons named in clause c support the application;
- (f) that the applicant is financially capable of continuing to provide such transportation services in accordance with this Act and the regulations and of meeting his financial responsibilities to the persons mentioned in clause e; and

- (g) that the applicant was on the date of the application carrying on the business of transporting for compensation goods of another person where the operation was not restricted to urban zones.

Issuance of
certificate

(11) The Board, upon hearing an application made under subsection 9 and being satisfied with regard only to the evidence submitted under subsection 10, shall issue a certificate or certificates consistent with such evidence approving the issue of a probationary licence or licences, which certificate or certificates shall state the maximum number of commercial vehicles that may be operated.

Issuance of
licence

(12) Notwithstanding subsection 1 and subject to subsection 15, where the Board has issued a certificate or certificates under subsection 11, the Minister shall issue a probationary licence or licences in accordance with the certificate or certificates containing such terms and conditions as set out in the certificate or certificates.

Time limit for
application
under subs. 9

(13) An application under subsection 9 shall be made not later than 120 days after that subsection comes into force.

Applicant to
file tariff

(14) An applicant under subsection 9 shall file with his application a tariff of tolls showing all the rates and charges for the transportation of goods in respect of which the transportation is proposed to be provided or offered by the applicant.

Require-
ments prior
to issue of
licence

(15) Before a licence is issued by the Minister pursuant to a certificate issued by the Board under subsection 11, the applicant shall file with the Ministry for each motor vehicle that he proposes to operate under the licence a safety standards certificate issued under *The Highway Traffic Act* not more than thirty days before the date of filing.

R.S.O. 1970,
c. 202

Validity of
probation-
ary operating
licence

(16) A probationary operating licence issued under subsection 12 expires,

- (a) upon the Board revoking its certificate under subsection 17; or
- (b) where the Board issues a new certificate under subsection 17,
 - (i) upon the Minister issuing an operating licence under subsection 1 pursuant to the certificate, or

SECTION 6. Section 7 (1) of the Act provides that an operating licence shall not be transferred without the approval of the Minister. The new section 7 (1a) of the Act provides that an operating licence issued pursuant to an application under the new section 6 (9) of the Act cannot be transferred.

SECTION 7. Section 10 of the Act empowers the Minister to suspend or cancel an operating licence for any of the causes set out in that section. The amendment adds a further cause for suspending or cancelling an operating licence.

SECTION 8. The reference to Schedules A and B is being deleted. This is complementary to section 13 of the Bill.

Added to the matters which are to be part of a bill of lading is a statement by the carrier or freight forwarder as to the state of the goods when he received them.

Where a driver or carrier is required to produce a copy of a bill of lading, a memorandum of the bill will no longer suffice, but a "carrier's waybill" may be produced instead.

Where a shipment is carried by more than one vehicle, the carrier must ensure that a bill of lading or a waybill is in each vehicle.

- (ii) upon the expiration of three months after the issuance of the new certificate,

whichever first occurs.

(17) The Board shall, not less than one year after the date of issue of a probationary operating licence issued under subsection 12 and as soon after the expiration of the one year as is convenient to the Board, review under section 17 of *The Ontario Highway Transport Board Act* the certificate with respect to the licence and shall revoke the certificate or issue a new certificate approving the issue of an operating licence.

Review by Board

R.S.O. 1970, c. 316

6. Section 7 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is amended by adding thereto the following subsection:

s. 7, amended

(1a) Notwithstanding subsection 1, no probationary operating licence issued pursuant to an application under subsection 9 of section 6 is transferable.

Exception to subs. 1

7. Section 10 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is amended by adding thereto the following clause:

s. 10, amended

(ba) where the past conduct of the applicant or licensee or, where the applicant or licensee is a corporation, of its officers or directors affords reasonable grounds for belief that the transportation service will not be operated in accordance with the law and with honesty and integrity.

8. Subsections 2 to 6 of section 12*n* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, are repealed and the following substituted therefor:

s. 12*n* (2-6), re-enacted

(2) A bill of lading shall contain such information as may be prescribed by regulation together with an acknowledgment of receipt by the carrier or the freight forwarder of the goods therein described indicating whether the goods were received in apparent good order and condition and an undertaking to carry the goods for delivery to the consignee or the person entitled to receive the goods and shall be signed in full by, or on behalf of, the issuing carrier or issuing freight forwarder and by the consignor as accepting the terms and conditions contained, or deemed to be contained, therein.

Contents

Signed copy
to be
retained

(3) A signed copy of the bill of lading shall be retained by the consignor and by the carrier.

Copy of bill
of lading to
be carried
by driver

(4) Every driver operating a public commercial vehicle shall carry on each trip a copy of the bill of lading and shall produce it when required for inspection by a member of the Ontario Provincial Police Force or an officer of the Ministry.

Idem

(5) Where a carrier is transporting goods on behalf of a freight forwarder, the driver transporting the goods by public commercial vehicle shall carry on each trip a copy of the bill of lading issued by the freight forwarder and shall produce it when required for inspection by a member of the Ontario Provincial Police Force or an officer of the Ministry.

Carrier's
waybill
carried in
lieu of bill
of lading

(6) Notwithstanding subsections 4 and 5, a carrier's waybill, containing such information as may be prescribed by regulation, may be carried by any driver operating a public commercial vehicle or transporting goods on behalf of a freight forwarder and may be produced in lieu of a bill of lading when such is required for inspection by a member of the Ontario Provincial Police Force or an officer of the Ministry.

Carrier's
responsi-
bility

(7) Where any shipment of goods is carried on more than one vehicle, the carrier shall ensure that every part of the shipment is accompanied by a copy of the bill of lading or by a waybill mentioned in subsection 6.

s. 15c (1),
amended

9.—(1) Subsection 1 of section 15c of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is amended by inserting after "vehicles" in the fourth line "or of the holder of a freight forwarder's licence relating to his business as a freight forwarder".

s. 15c (2, 3),
re-enacted

(2) Subsections 2 and 3 of the said section 15c, as enacted by the Statutes of Ontario, 1973, chapter 166, section 11, are repealed and the following substituted therefor:

Appointment
of
investigators

(2) The Minister may appoint one or more officers of the Ministry as investigators for the purpose of carrying out investigations to ascertain compliance with this Act and the regulations thereunder.

Examination
of records,
etc.

(3) Where an investigator appointed under subsection 2 believes on reasonable and probable grounds that any person has contravened any of the provisions of this Act or the regulations, he may inquire into and examine the affairs of that person and may,

SECTION 9.—Subsection 1. Section 15*c* (1) of the Act presently gives an officer of the Ministry authority to examine business records and documents of a holder of an operating licence in respect of a public commercial vehicle business. The amendment extends this authority to include the holder of a freight forwarder's licence.

Subsection 2. Section 15*c* (2) and (3) of the Act presently authorize the Minister to appoint persons to investigate possible contravention of the Act. Section 15*c* (3) sets out the power to examine documents, etc., and to enter business premises.

The basic change in the provisions as recast is that the power to examine documents and enter business premises will apply when an investigator believes on reasonable and probable grounds that there is a contravention of the Act. Presently they apply when the Minister so believes.

Subsections 3, 4, 5, 6. The changes are ones in wording made necessary by section 9 (2) of the Bill. There are no substantive changes.

- (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the purported contravention; and
- (b) inquire into negotiations and transactions made by or on behalf of or in relation to such person relating to the transportation of goods or the use of commercial vehicles or that are otherwise relevant to the subject-matter of the investigation,

and for the purpose of the inquiry, the investigator has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. 1971, c. 49

- (3) Subsection 4 of the said section 15c, as enacted by the Statutes of Ontario, 1973, chapter 166, section 11, is amended by striking out "a person appointed to make an investigation under this section" in the first and second lines and inserting in lieu thereof "an investigator appointed under subsection 2". s. 15c (4),
amended

- (4) Subsection 5 of the said section 15c, as enacted by the Statutes of Ontario, 1973, chapter 166, section 11, is repealed and the following substituted therefor: s. 15c (5),
re-enacted

(5) Where a provincial judge is satisfied upon an *ex parte* application by an investigator appointed under subsection 2 that there are reasonable grounds for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under subsection 3, issue an order authorizing the investigator, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the investigator to make the search at night. Issuance
of order

- (5) Subsection 6 of the said section 15c, as enacted by the Statutes of Ontario, 1973, chapter 166, section 11, is amended by striking out "Any person making an investigation under this section" in the first and second lines and inserting in lieu thereof "An investigator appointed under subsection 2". s. 15c (6),
amended

s. 15c (7),
amended

- (6) Subsection 7 of the said section 15c, as enacted by the Statutes of Ontario, 1973, chapter 166, section 11, is amended by striking out "person" in the second line and inserting in lieu thereof "investigator".

s. 16,
re-enacted

- 10.** Section 16 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 166, section 12, is repealed and the following substituted therefor:

Penalty

16. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction, where a penalty for the contravention is not otherwise provided for herein, is liable to a fine of not less than \$150 and not more than \$1,500.

s. 18,
amended

- 11.** Section 18 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 71, 1973, chapter 166, section 13 and 1975 (2nd Session), chapter 7, section 3, is further amended by adding thereto the following clauses:

(j) prescribing the form and contents of a waybill;

.

(t) governing the issue and renewal of operating licences and classes of operating licences;

(u) prescribing the qualifications of applicants for and holders of operating licences or any class or classes of operating licences;

(v) exempting holders of any class or classes of operating licences from any of the provisions of section 12j or 12n.

ss. 19, 20,
enacted

- 12.** The said Act is amended by adding thereto the following sections:

Policy
statements

19.—(1) The Lieutenant Governor in Council may by order from time to time issue policy statements setting out matters to be considered by the Board when determining questions of public necessity and convenience and the Board shall take such matters into consideration together with such other matters as the Board considers appropriate where the application or reference is made after the policy statement is gazetted.

Publication

(2) An order made under subsection 1 shall be published in *The Ontario Gazette*.

SECTION 10. The minimum and maximum general penalties are increased from \$50 and \$1,000, respectively, to \$150 and \$1,500.

SECTION 11. Section 18 of the Act refers to the authority to make regulations. The clauses added expand the matters that may be dealt with by regulation.

SECTION 12. Self-explanatory.

SECTION 13. Schedules A and B set out conditions deemed to be part of contracts for transportation of goods for compensation.

20.—(1) The Minister may direct the Board to examine and investigate such matters relating to transportation policy as are referred to it by the Minister and the Board shall report thereon to the Minister. Investigation directed by Minister

(2) For the purposes of subsection 1, the Board may hold such hearings as it considers necessary. Hearings by Board

13. Schedules A and B to the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, are repealed. Schedules A and B, repealed

14.—(1) This Act, except sections 5, 6 and 8, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 5, 6 and 8 come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

15. The short title of this Act is *The Public Commercial Vehicles Amendment Act, 1978*. Short title

An Act to amend
The Public Commercial
Vehicles Act

1st Reading

May 2nd, 1978

2nd Reading

3rd Reading

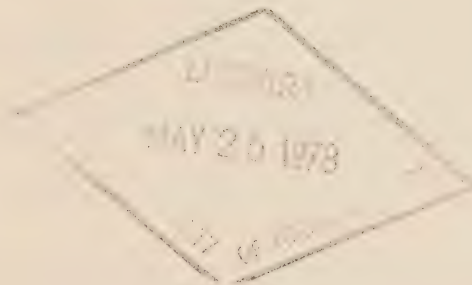
THE HON. J. W. SNOW
Minister of Transportation and
Communications

(Government Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to restructure
the County of Northumberland**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



EXPLANATORY NOTE

The Bill provides for the restructuring of the County of Northumberland. Annexations and amalgamations will reduce the existing fifteen local municipalities to seven area municipalities. The County will function as an upper tier municipality and the Bill provides for the allocation of responsibilities between the County on the one hand and the area municipalities on the other.

The Bill is divided into ten Parts:

- PART I — Area municipalities.
- PART II — Establishment of the County Council.
- PART III — County Road System.
- PART IV — Planning.
- PART V — Health and Welfare Services.
- PART VI — Police.
- PART VII — County Waterworks System.
- PART VIII — County Sewage Works.
- PART IX — Finances.
- PART X — General.

BILL 79

1978

An Act to restructure the County of Northumberland

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the Town of Port Hope, the Town of Cobourg, the Township of Brighton, the Township of Hope-Hamilton, the Township of Campbellford, the Township of Colborne and the Township of Hastings all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "County" means the County of Northumberland;
- (d) "County Council" means the council of the County;
- (e) "county road" means a road forming part of the county road system established under Part III;
- (f) "debt" includes any obligation for the payment of money;
- (g) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (h) "highway" and "road" means a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;

- (i) "land" includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (j) "local board" means any school board, public utility commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of an area municipality or of two or more area municipalities or parts thereof;
- (k) "local municipality" means in the year 1978 any local municipality or portion thereof in the County;
- (l) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (m) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (n) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (o) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money;
- (p) "Municipal Board" means the Ontario Municipal Board;
- (q) "registered mail" includes certified mail where evidence of delivery is returned to the sender;
- (r) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1979,

Constitu-
tion of
area muni-
cipalities

- (a) The portions of the Township of Hamilton and the Township of Hope, described as follows, are amalgamated to form a township municipality bearing the name of The Corporation of the Township of Hope-Hamilton.

FIRSTLY, part of the Township of Hamilton, commencing at the northeasterly angle of the said Township;

THENCE southerly along the easterly boundary of the said Township to the International Boundary between Canada and the United States of America;

THENCE westerly along the said International Boundary to the southerly prolongation of the westerly limit of Lot 6 in Concession B of the said Township of Hamilton;

THENCE northerly to and along the westerly limit of Lot 6 in concessions B and A of the said Township to a point distant 1,500 feet measured northerly therealong from the southeasterly angle of Lot 6 in Concession A;

THENCE westerly and parallel with the southerly limit of Concession A to a point distant 33 feet measured easterly therealong from the westerly limit of Lot 9 in Concession A;

THENCE northerly and parallel with the westerly limit of Lot 9 in concessions A and I to the southerly limit of the King's Highway Number 401;

THENCE westerly along the southerly limit of the said Highway Number 401 to the westerly limit of Lot 10 in the said Concession I;

THENCE northerly along the westerly limit of Lot 10 in concessions I and II of the Township of Hamilton to the southerly limit of the easement of the Hydro-Electric Power Commission;

THENCE westerly along the southerly limit of the said easement to the westerly limit of Lot 13 in Concession II;

THENCE southerly along the westerly limit of the said Lot 13 to the northerly limit of the road allowance between concessions I and II of the Township of Hamilton;

THENCE westerly along the northerly limit of the said road allowance to the northerly prolongation of the easterly limit of Lot 20 in the said Concession I;

THENCE southerly to and along the easterly limit of the said Lot 20 to the northerly boundary of the Town of Cobourg;

THENCE westerly and southerly along the boundaries between the Town of Cobourg and the Township of Hamilton to the southerly limit of the King's Highway Number 401;

THENCE westerly along the southerly limit of the said Highway Number 401 to the westerly limit of the road allowance between lots 24 and 25 in the said Concession I;

THENCE southerly along the westerly limit of the road allowance between lots 24 and 25 in concessions I and A and its prolongation to the International Boundary;

THENCE westerly along the International Boundary to the southerly prolongation of the line between lots 31 and 32 in Concession A of the said Township of Hamilton;

THENCE northerly to and along the line between lots 31 and 32 in the said Concession A to the southerly limit of the lands of the Canadian Pacific Railways;

THENCE westerly along the southerly limit of the said lands to the line between lots 33 and 34 in Concession I of the said Township of Hamilton;

THENCE northerly along the line between lots 33 and 34 in the said Concession I to the southerly limit of the King's Highway Number 401;

THENCE westerly along the southerly limit of the said Highway Number 401 to the westerly boundary of the said Township;

THENCE northerly along the westerly boundary of the said Township to the northerly boundary of the said Township;

THENCE easterly along the northerly boundary of the said Township of Hamilton to the point of beginning;

SECONDLY, part of the Township of Hope, commencing at the northeasterly angle of the said Township;

THENCE southerly along the easterly boundary of the said Township of Hope to the southerly limit of the King's Highway Number 401;

THENCE westerly to and along the boundaries between the Township of Hope and the Town of Port Hope to the northwesterly angle of the said Town;

THENCE westerly along the southerly limit of the King's Highway Number 401 to the westerly limit of the road allowance between lots 12 and 13 in Concession II of the said Township of Hope;

THENCE southerly along the westerly limit of the road allowance between lots 12 and 13 in concessions II, I and the Broken Front of the said Township and its prolongation to the International Boundary;

THENCE westerly along the International Boundary to the southwesterly angle of the Township of Hope;

THENCE northerly along the westerly boundary of the said Township to the northwesterly angle of the said Township;

THENCE easterly along the northerly boundary of the said Township of Hope to the point of commencement;

- (b) The Corporation of the Village of Brighton, The Corporation of the Township of Brighton and The

Corporation of the Township of Murray are amalgamated as a township municipality bearing the name of The Corporation of the Township of Brighton.

- (c) The Corporation of the Town of Campbellford and The Corporation of the Township of Seymour are amalgamated as a township municipality bearing the name of The Corporation of the Township of Campbellford;
- (d) The portion of the Township of Hamilton, described as follows, is annexed to The Corporation of the Town of Cobourg:

COMMENCING at the intersection of the northerly high water mark of Lake Ontario and the westerly limit of the road allowance between lots 24 and 25 in Concession A of the Township of Hamilton;

THENCE southerly along the southerly prolongation of the said westerly limit of the road allowance between lots 24 and 25 and to the International Boundary;

THENCE easterly along the said International Boundary to the westerly boundary of the Town of Cobourg;

THENCE northerly along the boundaries between the Town of Cobourg and the Township of Hamilton to the northerly boundary of the said Town of Cobourg;

THENCE easterly and southerly following the boundaries between the Town of Cobourg and the Township of Hamilton to the International Boundary;

THENCE easterly along the said International Boundary to the southerly prolongation of the westerly limit of Lot 6 in Concession B of the said Township of Hamilton;

THENCE northerly to and along the westerly limit of Lot 6 in concessions B and A of the said Township to a point distant 1,500 feet measured northerly therealong the southeasterly angle of Lot 6 in Concession A;

THENCE westerly and parallel with the southerly limit of Concession A to a point distant 33 feet

measured easterly therealong from the westerly limit of Lot 9 in Concession A;

THENCE northerly and parallel with the westerly limit of Lot 9 in concessions A and I to the southerly limit of the King's Highway Number 401;

THENCE westerly along the southerly limit of the said Highway Number 401 to the westerly limit of Lot 10 in the said Concession I;

THENCE northerly along the westerly limit of Lot 10 in concessions I and II of the Township of Hamilton to the southerly limit of the easement of the Hydro-Electric Power Commission;

THENCE westerly along the southerly limit of the said easement to the westerly limit of Lot 13 in Concession II;

THENCE southerly along the westerly limit of the said Lot 13 to the northerly limit of the road allowance between concessions I and II of the Township of Hamilton;

THENCE westerly along the northerly limit of the said road allowance to the northerly prolongation of the easterly limit of Lot 20 in the said Concession I;

THENCE southerly to and along the easterly limit of the said Lot 20 to the northerly boundary of the Town of Cobourg;

THENCE westerly and southerly along the boundaries between the Town of Cobourg and the Township of Hamilton to the southerly limit of the King's Highway Number 401;

THENCE westerly along the southerly limit of the said Highway Number 401 to the westerly limit of the road allowance between lots 24 and 25 in the said Concession I;

THENCE southerly along the westerly limit of the road allowance between lots 24 and 25 in concessions I and A to the point of commencement;

- (e) The Corporation of the Village of Colborne and The Corporation of the Township of Cramahe are amalgamated as a township municipality bearing the name of The Corporation of the Township of Colborne and the portion of the Township of Haldimand, described as follows, is annexed to such Township;

COMMENCING at a point in the westerly boundary of the Township of Haldimand where it is intersected by the centre line of the road allowance between concessions VII and VIII of the said Township;

THENCE easterly along the centre line of the said road allowance to the centre line of the road allowance between lots 22 and 23 in the said Concession VIII;

THENCE northerly along the centre line of the said road allowance to the centre line of the said Concession VIII;

THENCE easterly along the centre line of the said Concession VIII to the easterly boundary of the Township of Haldimand;

THENCE southerly along the easterly boundary of the Township of Haldimand to the International Boundary;

THENCE westerly along the International Boundary to the southwesterly angle of the Township of Haldimand;

THENCE northerly along the westerly boundary of the said Township to the point of commencement;

- (f) The Corporation of the Township of Alnwick, The Corporation of the Township of Percy and The Corporation of the Village of Hastings are amalgamated as a township municipality bearing the name of The Corporation of the Township of Hastings and the portion of the Township of Haldimand, described as follows, is annexed to such township;

COMMENCING at a point in the westerly boundary of the Township of Haldimand, where it is intersected by the road allowance between concessions VII and VIII of the said Township;

THENCE easterly along the centre line of the said road allowance to the centre line of the road allowance between lots 22 and 23 in the said Concession VIII;

THENCE northerly along the centre line of the said road allowance to the centre line of the said Concession VIII;

THENCE easterly along the centre line of the said Concession VIII to the easterly boundary of the Township of Haldimand;

THENCE northerly along the easterly boundary of the said Township to the northeasterly angle of the said Township;

THENCE westerly along the northerly boundary of the Township of Haldimand to the northwesterly angle of the said Township;

THENCE southerly along the westerly boundary of the Township of Haldimand to the point of commencement;

- (g) The portions of the Township of Hamilton and the Township of Hope described as follows, are annexed to The Corporation of the Town of Port Hope:

FIRSTLY, part of the Township of Hamilton, commencing at a point in the westerly boundary of the said Township where it is intersected by the southerly limit of the King's Highway Number 401;

THENCE southerly following along the westerly boundaries of the said Township of Hamilton to the International Boundary;

THENCE easterly along the International Boundary to the southerly prolongation of the line between lots 31 and 32 in Concession A of the Township of Hamilton;

THENCE northerly to and along the line between lots 31 and 32 in the said Concession A to the southerly limit of the lands of the Canadian Pacific Railways;

THENCE westerly along the southerly limit of the said lands to the line between lots 33 and 34 in Concession I of the said Township of Hamilton;

THENCE northerly along the said line between lots 33 and 34 to the southerly limit of the King's Highway Number 401;

THENCE westerly along the southerly limit of the said Highway Number 401 to the point of commencement;

SECONDLY, part of the Township of Hope, commencing at the northwesterly angle of the Town of Port Hope;

THENCE westerly along the southerly limit of the King's Highway Number 401 to the westerly limit of the road allowance between lots 12 and 13 in Concession II of the Township of Hope;

THENCE southerly along the westerly limit of the road allowance between lots 12 and 13 in concessions II, I and the Broken Front of the said Township of Hope and its prolongation to the International Boundary;

THENCE easterly along the International Boundary to the southeasterly angle of the Township of Hope;

THENCE northerly along the easterly boundary of the said Township to the southerly boundary of the Town of Port Hope;

THENCE northwesterly following the boundaries between the Township of Hope and the Town of Port Hope to the point of commencement;

THIRDLY, part of the Township of Hope, commencing at a point in the easterly boundary of the said Township where it is intersected by the southerly limit of the King's Highway Number 401;

THENCE westerly along the southerly limit of the said Highway Number 401 to the northeasterly angle of the Town of Port Hope, the said angle being on the westerly limit of the road allowance between the Township of Hope and Hamilton;

THENCE southerly along the boundary between the Township of Hope and the Town of Port Hope to the southerly limit of the lands of the Canadian Pacific Railways;

THENCE easterly along the southerly limit of the said lands to the easterly boundary of the said Township;

THENCE northerly along the easterly boundary of the said Township to the point of commencement.

(2) The Police Village of Warkworth is dissolved on the 1st day of January, 1979. Warkworth dissolved

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board, not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed. Amalgamations, annexations and dissolutions deemed by O.M.B. orders R.S.O. 1970, cc. 323, 284

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order, Referendum re area municipality names

(a) confirm the name of the area municipality as set out in subsection 1; or

(b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipalities shall be deemed to refer to such area municipalities as designated in the declaration.

3.—(1) On and after the 1st day of January, 1979, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors Composition of area municipal councils

of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The Township of Hope-Hamilton—eight councillors, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven elected in the manner provided for by order of the Minister made under subsection 3.
2. The Town of Port Hope—eight councillors, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the County Council, and six elected by general vote.
3. The Town of Cobourg—eight councillors, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the County Council, and six elected by general vote.
4. The Township of Colborne—six councillors, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and five elected in the manner provided for by the order of the Minister made under subsection 3.
5. The Township of Brighton—six councillors, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the County Council, and four elected in the manner provided for by order of the Minister made under subsection 3.
6. The Township of Hastings—eight councillors, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven elected in the manner provided for by order of the Minister made under subsection 3.
7. The Township of Campbellford—eight councillors, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven elected in the manner provided for by order of the Minister made under subsection 3.

(2) With respect to the area municipalities, elections of the first councils shall be held in the year 1978, and the day of polling shall be the 2nd day of October and the first councils elected shall hold office for the period commencing the 1st day of January, 1979, and expiring with the 30th day of November, 1980.

First
elections
and term of
office

(3) For the purposes of the elections of the first councils of the area municipalities and the members thereof to represent the area municipalities on the County Council,

Idem

(a) the Minister may by order divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council of the area municipality and of the County Council, to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister may by order provide for the qualification of candidates and,

(i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first councils of the area municipalities notwithstanding *The Municipal Elections Act, 1977*.

Application
of
1977, c. 62

(5) Notwithstanding the provisions of this or any other Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of *The Municipal Act*, the Municipal Board may, by order,

Amalgama-
tion of
wards, etc.,
by O.M.B.

R.S.O. 1970,
c. 284

(a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;

(b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; or

- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the County Council as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality and shall be the head of council of the area municipality and shall be a member of the County Council, as provided for in this Act.

Order of
L.G. in C.

(6) Notwithstanding section 8, the Lieutenant Governor in Council, upon the recommendation of the Minister, may by order authorize such method of selecting the members who represent the area municipality on the County Council as is considered advisable following an order of the Municipal Board under subsection 5.

Organiza-
tion
committee
in 1978

(7) The members of the council of each area municipality elected in the year 1978 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

First
election
expenses

4. The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1978 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

No Board
of Control

5. No area municipality shall have a Board of Control.

PART II

ESTABLISHMENT OF THE COUNTY COUNCIL

County
recon-
stituted

6.—(1) The County of Northumberland is continued and on and after the 1st day of January, 1979, shall exercise the powers and duties and be subject to the obligations and liabilities provided for in this Act.

Organ-
izational
powers of
County
Council
in 1978

(2) The County Council elected in the year 1978 in accordance with the provisions of this Act may exercise all such powers as may be necessary to organize and plan for the

implementation of the expanded powers and duties of the County on and after the 1st day of January, 1979.

(3) Notwithstanding subsection 1 of section 9 of *The Municipal Elections Act, 1977*, the County Council in office in the year 1978 shall continue until the 31st day of December, 1978, but the provisions of this Act shall not apply to such County Council.

Continuation in office of County Council
1977, c. 62

(4) Notwithstanding subsection 1 of section 9 of *The Municipal Elections Act, 1977*, the council of a local municipality in office in the year 1978 shall continue until the 31st day of December, 1978.

Continuation in office of local councils

(5) The County on and after the 1st day of January, 1979 shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Deemed municipality under R.S.O. 1970, cc. 118, 323

(6) The Minister may by order deem the County to be a regional municipality for the purposes of any general or special Act.

Minister's authority

(7) The County shall not, except as provided for in this Act, be a municipality for the purposes of *The Municipal Act* on and after the 1st day of January, 1979.

County deemed not municipality under R.S.O. 1970, c. 284

7.—(1) The powers of the County shall be exercised by the County Council and, except where otherwise provided, the jurisdiction of the County Council is confined to the County.

County Council to exercise corporate powers

(2) Except where otherwise provided, the powers of the County Council shall be exercised by by-law.

Powers exercised by by-law

(3) A by-law passed by the County Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or the supposed unreasonableness of its provisions or any of them.

By-law not to be quashed as unreasonable

8.—(1) The County Council shall comprise seventeen members consisting of,

Composition of County Council

(a) in the year 1978, the mayor-elect of each area municipality and thereafter the mayor of each area municipality; and

(b) two members of council of each of the Town of Port Hope, the Town of Cobourg and the Town-

ship of Brighton, and one member of council from each of the remaining area municipalities, elected as members of the County Council under section 3.

Term of
office

(2) The members elected to the County Council in the year 1978, under subsection 1, shall hold office during the period commencing on the 1st day of January, 1979, and expiring with the 30th day of November, 1980.

Idem

(3) On and after the 1st day of December, 1980, the term of office of the County Council shall be two years.

Interim
warden

9.—(1) The County Council shall, on or before the 13th day of October, 1978, meet at a time and place and under the chairmanship of a person designated by the Minister to choose a person who will preside as interim warden and act as clerk at the first meeting of the County Council in the year 1978 after such date.

Election of
warden

(2) At the first meeting of the County Council in the year 1978 and thereafter, after a regular election at which a quorum is present, the County Council shall organize as a council and elect from among its members a warden who shall hold office for that term of the council and until his successor is elected, and at such meeting the clerk shall preside until the warden is elected and the warden so elected shall retain his seat on the council of the area municipality to which he was elected.

Failure
to elect
warden

(3) If, at the first meeting of the County Council in the year 1978 and thereafter, after a regular election, a warden is not elected, the clerk may adjourn the meeting from time to time, and, if a warden is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a warden to hold office for the term of council and until his successor is elected in accordance with this Act.

Deputy
warden

10.—(1) The County Council may elect from among its members a deputy warden and the provisions of subsection 2 of section 9 apply with necessary modifications.

Duties

(2) The deputy warden shall carry out such duties as the County Council may by by-law assign to him and that are not inconsistent with the provisions of this Act.

First
meeting
in 1978

11.—(1) The first meeting of the County Council in the year 1978 shall be held on or before the 23rd day of October, 1978 at such date, time and place as the interim warden may determine, and the interim warden shall give to each

person entitled to be a member of the County Council at least forty-eight hours notice of the date, time and place of such meeting.

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting
of area
councils

(3) The first meeting of the County Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the County Council.

First
meeting
of County
Council

(4) The warden, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Oath of
allegiance
and declara-
tion of
qualifica-
tion

(5) No business shall be proceeded with at the first meeting of the County Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

Declara-
tion of
office

R.S.O. 1970,
c. 284

(6) The County Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 12.

When
County
Council
deemed
organized

12.—(1) Nine members of the County Council representing four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry out any resolution or other measure.

Quorum.
voting

(2) Each member of the County Council has one vote only.

One vote
only

13. Subject to section 11, all meetings of the County Council shall be held at such place within the County and at such times as the County Council from time to time appoints.

Place of
meeting

14.—(1) When a vacancy occurs in the office of a warden who has been elected under subsection 2 of section 9, the County Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a

Vacancies,
warden

warden who shall be a member of the County Council, to hold office for the remainder of the term of his predecessor.

Idem

(2) If the County Council fails to elect a warden within twenty days as required by subsection 1, the Lieutenant Governor in Council may appoint a person as warden to hold office for the remainder of the term of his predecessor.

Other members

(3) When a vacancy occurs in the office of a member, other than the warden or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within sixty days after the vacancy occurs appoint a successor, who may be a member of the area council, to hold office for the remainder of the term of his predecessor.

Where head of council incapacitated

(4) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the County Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the County Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Committees

15. The County Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Procedural by-laws

16. The County Council may pass by-laws for governing the proceedings of the County Council and any of its committees, the conduct of its members and the calling of meetings.

Head of County Council

17.—(1) The warden is the head of the County Council and is the chief executive officer of the County.

Chief administrative officer

(2) The County Council may by by-law appoint a chief administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs of the County and perform such duties as the County Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the County Council; and

(d) shall receive such salary as the County Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2. Application of R.S.O. 1970, c. 284

18.—(1) When the warden is absent or refuses to act, or his office is vacant, the County Council may by resolution appoint either the deputy warden or one of its other members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the warden. Acting warden

(2) The County Council may by by-law appoint either the deputy warden or another member of the County Council to act from time to time in the place and stead of the warden when the warden is absent from the County or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the warden. Idem

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286 and 390 of *The Municipal Act* apply with necessary modifications to the County. Application of R.S.O. 1970, c. 284

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* apply with necessary modifications to the County Council and to every local board of the County. Idem

(3) Sections 388, 389, 389a to 389e, 390 and 391 of *The Municipal Act* apply with necessary modifications to the County Council. Idem

20.—(1) The County Council shall appoint a clerk whose duty is, Appointment of clerk

(a) to record truly, without note or comment, all resolutions, decisions and other proceedings of the County Council;

(b) if required by any member present, to record the name and vote of every member voting on any matter or question;

(c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all

minutes of the proceedings of the County Council and its committees; and

(d) to perform such other duties as may be assigned to him by the County Council.

Deputy
clerk

(2) The County Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the County Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Minutes
open to
inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the County made to the County Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the County to any applicant on payment at the rate of 15 cents for every 100 words or at such other rate as the County Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the County Council that affect land or the use thereof in the County but do not directly affect the title to land.

Copies
certified by
clerk to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the County, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appoint-
ment of
treasurer

22.—(1) The County Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the County and preserve and file all accounts of the County and shall perform such other duties as may be assigned to him by the County Council.

Deputy
treasurer

(2) The County Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise,

the County Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

23.—(1) The treasurer shall receive and safely keep all moneys of the County and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the County Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the County Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Receipt and
disburse-
ment of
money

(2) Notwithstanding subsection 1, the County Council may by by-law,

Signing of
cheques

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The County Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

Petty cash
fund

(4) Except where otherwise expressly provided by this Act, a member of the County Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with *The Municipal Conflict of Interest Act, 1972*.

When
member
may be
paid

1972, c. 142

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the County Council, unless another disposition of it is expressly provided for by statute.

Treasurer's
liability
limited

24. Subject to subsection 3 of section 23, the treasurer shall,

Bank
accounts

- (a) open an account or accounts in the name of the County in such of the chartered banks of Canada or at such other place of deposit as may be approved by the County Council;

- (b) deposit all money received by him on account of the County, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the County entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the County Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

25.—(1) The treasurer shall prepare and submit to the County Council, monthly, a statement of the money at the credit of the County.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the County Council shall forthwith give notice to his sureties.

Appoint-
ment of
auditors

26.—(1) The County Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the County Council and the auditor or auditors so appointed shall audit the accounts and transactions of the County and of every local board of the County, except school boards.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the County and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

Disquali-
fication of
auditors

(3) No person shall be appointed as an auditor of the County who is or during the preceding year was a member of the County Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the County or an area municipality, or any such local board, or any employment with any of them other than for services within his professional capacity.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the County Council or any local board of the County that do not conflict with the duties prescribed by the Ministry.

27.—(1) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County, the County or local board shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the County or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System and be deemed not to have resigned from his previous employment. Pensions

(2) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan. Idem

(3) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof, within the County, the employee shall be deemed to remain an employee of the municipality or local board thereof until the County or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the County whereupon the County or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof. Sick leave credits

(4) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County or local board thereof, the County or local board thereof shall, during the first year of his employment by the County or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof. Holidays

(5) The County shall offer to employ every person who, on the 1st day of April, 1978, is employed in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed or acquired by the County under this Act and who continues to be so employed until the 31st day of December, 1978. Offer of employment

Entitle-
ment to
salary

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1979, of not less than he was receiving on the 1st day of April, 1978.

Application
of
R.S.O. 1970,
c. 324

(7) The County shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Placement
of staff

(8) The Minister may by order do all such things as may be necessary to facilitate the placement of staff in the structure of both the County and area municipalities, including providing for the protection of pension benefits, sick leave credits and holiday entitlements.

Pension
rights and
sick leave
credits

(9) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

Termina-
tion of
employ-
ment

(10) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

PART III

COUNTY ROAD SYSTEM

Interpre-
tation

28. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repairs;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

County
road
system

29.—(1) On and after the 1st day of January, 1979 all roads on the 31st day of December, 1978 under the jurisdiction and control of the County shall continue to form part of the county road system, together with those roads that

on the 31st day of December, 1978 are under the jurisdiction and control of the Trenton Suburban Roads Commission.

(2) The County Council may by by-law from time to time add roads to or remove roads from the county road system, including such boundary line roads or portions thereof between the County and an adjoining county or regional municipality as may be agreed upon between the County Council and the council of such adjoining municipality.

Adding or removing roads by by-law

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the County to the County and the highway shall for all purposes be deemed to be part of the county road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

Transfer of provincial highway to County

R.S.O. 1970, c. 201

(4) Where a road or part thereof forms part of the county road system, jurisdiction and control and the soil and freehold thereof are vested in the County.

Vesting of roads in County

(5) The Lieutenant Governor in Council may remove any road from the county road system.

Removal of roads from county road system

(6) Where a road or a part thereof is removed from the county road system, except by reason of it being stopped-up pursuant to section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the County in respect of such road.

Roads removed from system

(7) Notwithstanding subsection 10, where the County acquires land for the purpose of widening a county road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the county road system.

Status of land acquired for widening county road

(8) When land abutting on a county road is dedicated for, or apparently for, widening the county road, the land so dedicated is part of the county road and the jurisdiction and control and the soil and freehold thereof is vested in the County subject to any rights in the soil reserved by the person who dedicated the land.

Idem

(9) The County Council shall, on or before the 1st day of May, 1984, pass a by-law consolidating all by-laws relating to

Consolidating by-laws

the county road system, and shall at intervals of not more than five years pass similar consolidating by-laws.

Approval
of by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the County Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council.

R.S.O. 1970,
c. 410 not
to apply

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plans of
construc-
tion and
main-
tenance

30. The County Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing
of informa-
tion to
Minister

31. Where the County proposes the construction, improvement or alteration of a county road, it shall furnish the Minister with such detailed information as he may require.

Contribu-
tion
towards
expendi-
tures
R.S.O. 1970,
c. 201

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Main-
tenance and
repair

33. The roads included in the county road system shall be maintained and kept in repair by the County.

Power over
roads
assumed

34. The County has, in respect of the roads included in the county road system, all the rights, powers, benefits, and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the Trenton Suburban Roads Commission and the County may sue upon such rights or under such contracts of by-laws in the same manner and to the same extent as the Trenton Suburban Roads Commission might have done if the roads had not become part of the county road system.

Sidewalks
excepted

35.—(1) The County is not by reason of a road forming part of the county road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the county road system, but the area

municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1970,
c. 284

(2) An area municipality may construct a sidewalk or other improvement or service on a county road, and the County may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the County Council expressed by resolution.

Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, improvement or service constructed on a county road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost provided

R.S.O. 1970,
c. 255

(4) An area municipality when constructing such a sidewalk, improvement or service on a county road shall conform to any requirements or conditions imposed by the County Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area municipality to conform to requirements and be responsible for damage

36.—(1) The County may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the county road system.

Installation of traffic control devices

(2) The County may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the county road system.

Relocation of intersecting roads

(3) Where, in relocating, altering or diverting a public road under subsection 2, the County constructs a new road in lieu of the public road, the County may close the public road at the point of intersection with the county road and may by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Idem

Construc-
tion of
sidewalk,
etc., on area
municipal-
ity road

R.S.O. 1970,
c. 255

(4) Where the County constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

Inter-
section of
other roads
by county
road

37. Where a county road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the county road to its full width across the road so intersected is a part of the county road system.

New
roads

R.S.O. 1970,
c. 284

38. The County Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 29 by adding such new roads to the county road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply with necessary modifications.

Power and
liabilities
of County

R.S.O. 1970,
cc. 284, 202

39. With respect to the roads in the county road system and the regulation of traffic thereon, the County has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Erection of
gasoline
pump and
advertising
device near
county road

40.—(1) The County Council may by by-law prohibit or regulate the placing or erecting of,

- (a) any gasoline pump within forty-five metres of any limit of a county road;
- (b) any sign, notice or advertising device within 400 metres of any limit of a county road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

By-laws of
area muni-
cipalities
regulating
traffic

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the County Council.

County
Council
may
approve
by-law in
whole or in
part

(2) A by-law submitted for approval of the County Council in compliance with subsection 1 may be approved in whole or in part and, where part only of a by-law is approved, that part only shall become operative.

(3) The County Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. Withdrawal of approval

(4) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the County Council, and the County Council may delegate any of its powers in respect of the operation of such devices to an officer of the County designated in the by-law. Signal-light devices

(5) The County may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. Contribution toward cost

(6) Subject to *The Highway Traffic Act*, the County Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of thirty metres on either side of the limit of a county road and where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. Traffic control within thirty metres of county roads
R.S.O. 1970, c. 202

42. The County Council may by by-law authorize agreements between the County and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians or live stock over, across or under the highways upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. Agreements for pedestrian, etc., walks

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the County and an adjoining municipality where such bridge or highway is included in the county road system and in the road system of the municipality. Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1970, c. 284

(2) Where there is a difference between the County Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where Idem

the County Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the County or the corporation of the municipality.

Hearing by
O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the County, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities, in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary
bridges
between
area muni-
cipalities
R.S.O. 1970,
c. 284

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the county road system.

Boundary
bridges
between
County and
adjoining
muni-
cipalities

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the County and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the county road system.

Restrictions

46.—(1) The County council has, with respect to all land lying within a distance of forty-five metres from any limit of a county road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

R.S.O. 1970,
c. 349

Conflict
with local
by-laws

(2) In the event of conflict between a by-law passed under subsection 1 by the County Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land

is situate, the by-law passed by the County Council prevails to the extent of such conflict.

47.—(1) The County Council may by by-law designate any road in the county road system, or any portion thereof, as a controlled-access road. Controlled access roads

(2) Subject to the approval of the Municipal Board, the County Council may by by-law close any municipal road that intersects or runs into a county controlled-access road. Closing municipal roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board determines, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the County within such time as the Municipal Board directs. Notice of application for approval of closing road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions, Order of O.M.B.

(a) determining the portion or portions of the road that shall be closed;

(b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and

(c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval the County may do all such acts as may be necessary to close the road in respect of which the application is made. Closing road

(6) The County, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4. Appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of Time for appeal

the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice
and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, with necessary modifications, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970,
c. 323, s. 95
not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private
roads, etc.,
opening
upon
county
controlled-
access road

48. The County Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a county controlled-access road.

Notice

49.—(1) The County may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a county controlled-access road in contravention of a by-law passed under section 48.

Service of
notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure
to comply
with notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the County Council may by resolution direct any officer, employee or agent of the County to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

Compensa-
tion

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or

facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the county road system. County liability where road forms part of system

(2) Where a road forms part of the county road system, the County shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. Idem
R.S.O. 1970, c. 255

(3) Where the County fails to make any payment required by subsection 2, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the county road system, the Municipal Board, upon application, may determine the matter and its decision is final. Settling of doubts

51.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the County by registered mail. Stopping-up highways

(2) If the County objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the County Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. Agreement

R.S.O. 1970,
c. 201, s. 43 (1),
not to apply

52. Subsection 1 of section 43 of *The Public Transportation and Highway Improvement Act* does not apply to the County.

Application
of
R.S.O. 1970,
c. 201

53. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply with necessary modifications to any road in the county road system.

PART IV

PLANNING

Joint
planning
area
R.S.O. 1970,
c. 349

54.—(1) On and after the 1st day of January, 1979, the County shall be a municipality and a joint planning area for the purposes of *The Planning Act* and shall be known as the Northumberland Planning Area.

Designated
municipality

(2) The County is the designated municipality within the meaning of *The Planning Act* for the purposes of the Northumberland Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes.

County
Council to
be planning
board

(3) The County Council shall be the Planning Board of the Northumberland Planning Area and may be or may constitute or appoint a land division committee for the purpose of granting consents referred to in section 29 of *The Planning Act*.

Separate
meeting as
planning
board not
required

(4) Where the County Council meets in respect of matters pertaining to planning for purposes of *The Planning Act*, no separate meeting of the Council as a planning board is required.

Com-
mittees
and staff

(5) The County Council and the council of each area municipality may appoint such planning committees and staff as each considers necessary.

Planning
areas and
subsidiary
planning
areas
dissolved

55.—(1) All planning areas and subsidiary planning areas that are included in the Northumberland Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1978.

Area muni-
cipalities
subsidiary
planning
areas

(2) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1979 and the council thereof shall have all the powers of a planning board under *The Planning Act* except as provided for in subsection 3 and no area municipality shall establish a planning board.

(3) The land division committee constituted for the County of Northumberland and all committees of adjustment heretofore constituted by the council of a municipality in the Northumberland Planning Area are hereby dissolved on the 31st day of December, 1978 and the council of each area municipality may be or may constitute or appoint a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.

Com-
mittees of
adjustment

(4) Any application pending before a committee dissolved under subsection 3 and that is not finally disposed of on or before the 31st day of December, 1978, shall continue before and the disposition thereof be completed by the County Council, the land division committee appointed under subsection 3 of section 54, the council of an area municipality, or a committee of adjustment appointed under subsection 3 of this section according to the nature of the application that is so pending.

Completion
of
disposition
of pending
applica-
tions for
consents,
etc.

(5) Nothing in subsections 1 and 2 affects any official plan in effect in any part of the County area.

Official
plans not
affected

(6) The County Council, before the 31st day of December, 1981, shall prepare, adopt and forward to the Minister of Housing for approval an official plan for the County.

Official
plan for
County

(7) When the Minister has approved an official plan adopted by the County Council,

Effect
of official
plan

(a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

PART V

HEALTH AND WELFARE SERVICES

56.—(1) The County shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants and no area municipality has any liability under such provisions.

Liability for
hospital-
ization of
indigents
R.S.O. 1970,
cc. 378, 361

Existing
liabilities
transferred

(2) The County is liable for the hospitalization and burial, after the 31st day of December, 1978, of an indigent person or his dependant who was in hospital on the 31st day of December, 1978, and in respect of whom any local municipality within the County was liable because the indigent person was a resident of such local municipality.

Proviso

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1979.

Aid to
hospitals

57.—(1) The County may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the County and may issue debentures therefor, and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals.

Payment of
principal and
interest to
area muni-
cipalities

(2) The County shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1979, and if the County fails to pay such amounts before the due date, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Hospital
costs form
part of
County levy

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 100.

County
continues
as part of
health unit

58.—(1) On and after the 1st day of January, 1979, the County area shall continue to be part of the health unit established under *The Public Health Act* known as the Haliburton, Kawartha, Pine Ridge District Health Unit.

County
representa-
tion on
board of
health

(2) The representation of the County area on the board of health of the Haliburton, Kawartha, Pine Ridge District Health Unit shall comprise three members who are also members of the County Council, appointed by the County Council.

County
deemed
city under

59.—(1) For the purposes of the following Acts, the County shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act.* R.S.O. 1970,
c. 21
2. *The Mental Hospitals Act.* R.S.O. 1970,
c. 270
3. *The Sanatoria for Consumptives Act.* R.S.O. 1970,
c. 422
4. *The War Veterans Burial Act.* R.S.O. 1970,
c. 490

(2) For the purposes of the following Acts, no area municipality shall be deemed to be a municipality and the County shall have sole responsibility as a county for all matters provided for in such Acts: County responsibility under

1. *The General Welfare Assistance Act.* R.S.O. 1970,
c. 192
2. *The Homemakers and Nurses Services Act.* R.S.O. 1970,
c. 203

60.—(1) The County shall pay to the committee or board of management of any home for the aged located outside the County the cost of maintenance in such home, incurred after the 31st day of December, 1978, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality. Residents of homes for the aged

(2) The amount payable by the County under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. Amount of maintenance payment

61. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the County shall be deemed to be a city for the purposes of such Act. County deemed city under R.S.O. 1970, c. 64

62. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the County, and the sums of money required to be paid under such order shall be paid by the County and not by the area municipality. Liability under order made under R.S.C. 1970, c. J-3

63. Every area municipality and every officer or employee thereof shall, at the request of the officers of the County who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act. Information

64. In the event that there is any doubt as to whether the County is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by Adjustments

agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants to
approved
corporations
under
R.S.O. 1970,
c. 204

65. The County may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Township
of Hastings
responsibility

66. The Township of Hastings is responsible for policing that portion of the area municipality in which a municipal police force was maintained on the 31st day of December, 1978 and the provisions of *The Police Act* apply with appropriate modifications.

R.S.O. 1970,
c. 351

Township of
Campbellford
responsibility

67. The Township of Campbellford is responsible for policing that portion of the area municipality which a local municipality was responsible for policing on the 31st day of December, 1978, and the provisions of *The Police Act* apply with appropriate modifications.

Police
areas

68. Where the Township of Hastings or the Township of Campbellford establishes a police area to which the costs of policing are charged under subsection 1 of section 22 of *The Police Act*, the approval of the Ontario Police Commission is not required.

Review of
policing
services

69. The County Council may make application to the Solicitor General for a review of the policing services being provided in the County.

PART VII

COUNTY WATERWORKS

Where Part
not to apply

70. Except as otherwise provided, this Part does not apply to works of an area municipality in existence on the 1st day of January, 1979 for the production, treatment, storage, or distribution of water.

71. The County may enter into agreements with any area municipality or local board thereof with respect to the construction, operation and maintenance of County works provided for in this Part or in respect of the sale of water from County waterworks, and in such event, the area municipality or local board has authority to enter into such agreements.

72.—(1) On and after the 1st day of January, 1979, the County shall have the sole responsibility for the planning of all works for the production, treatment, storage and distribution of water in the County including improvements, extensions or renewals in respect of works in existence on the 1st day of January, 1979, and for the capital financing of all such works, improvements, extensions or renewals.

(2) For the purposes of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the County has all the powers conferred by any general Act upon a municipal corporation or local board thereof and by any special Act upon an area municipality or local board thereof respecting the establishment, construction, maintenance, operation, improvement, renewal and extension of works exclusive of a water distribution system but including all trunk mains, for the production, treatment, storage and trunk distribution of water, except the power to establish a public utilities commission.

(3) No area municipality shall, after the 31st day of December, 1978, establish, construct, improve, renew or extend any works for the production, treatment, storage or trunk distribution of water.

(4) For the purposes of this Part, the County Council may by by-law designate, describe or define what constitutes a trunk main.

73.—(1) The County shall supply water only to the area municipalities, and, subject to subsection 2, shall not supply water to any other person.

(2) The County may enter into a contract for the supply of water to any local or regional municipality outside the County for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time, but where a local municipality is included in a regional municipality such contracts may only be entered into with the corporation of the regional municipality.

Contract for
purchase of
water

(3) The County may enter into a contract for the purchase of water from any adjoining local municipality not within a regional municipality, or a regional municipality.

Approval of
Minister re
contracts

(4) In 1978, no local municipality or local board thereof in the County area shall, after the 12th day of May, 1978, without the approval of the Minister, enter into any contract with a local or regional municipality for the purchase or supply of water.

Approval of
County
Council
re contracts

(5) On and after the 1st day of January, 1979, no area municipality or local board thereof shall enter into any contract with any local or regional municipality for the purchase or supply of water without the approval of the County Council.

Regulation
of supply,
etc.

74. The County Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water from the County waterworks, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the County a continued and abundant supply of water, and to prevent the practising of frauds on the County with regard to the water so supplied.

Main-
tenance,
manage-
ment, etc.

75. The County Council may pass by-laws for the maintenance and management of its waterworks and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the production, treatment, storage or trunk distribution of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality.

Sale or
lease of
property

76.—(1) The County may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the County waterworks that, in the opinion of the County Council is no longer required for the purposes of the waterworks but, where the property is actually used for the purposes of the waterworks, no such sale, lease or other disposition shall be made without the approval of the Municipal Board.

Disposition
of proceeds
of sale, etc.

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness incurred in respect of the property disposed of, and the balance shall form part of the revenues in respect of the County waterworks.

77.—(1) The County Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of water distribution works by the area municipalities and may provide in any such by-law for the inspection of such works, and every area municipality and local board shall conform to such by-laws.

By-laws
establishing
standards
for local
systems

(2) No area municipality or local board thereof shall connect any water distribution works or any part thereof to any work of the County without the approval of the County.

Approval of
connections

78.—(1) The County Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.

Rates

(2) In fixing the rates, the County Council may use its discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities.

Idem

(3) The County Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the County Council may think proper.

Self-
sustaining

(4) Clause *k* of subsection 1 of section 53 of *The Ontario Municipal Board Act* does not apply with respect to water supplied by the county to an area municipality.

R.S.O. 1970,
c. 323,
s. 53 (1) (k),
not
applicable

79.—(1) Notwithstanding section 78, the County Council may add a surcharge of such percentage as it may determine to the water rates fixed under that section and the proceeds of such surcharge shall be deemed not to be revenue of the County waterworks under section 81 and shall be applied or expended for the purpose of receiving from the area municipalities sewage and the treatment or disposal thereof.

Surcharge
on water
rates

(2) The provisions of section 85 apply to this section.

Application
of s. 85

80. The County Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities in respect of its works in such manner as may be prescribed by the Ministry.

Books and
accounts

81.—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues in respect of the County waterworks shall be applied only for,

Application
of revenues
R.S.O. 1970,
c. 390

- (a) the operation, maintenance, renewal, improvement or extension of the County waterworks; or
- (b) the establishment of such reserve funds as the County Council may consider proper to be used at any future time for any purpose mentioned in clause *a* or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the County waterworks accounts and shall not form part of the general funds of the County.

Where levy unnecessary

(2) It is not necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued by the County for the purposes of this Part except to the extent that the revenues from the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures.

Reserve fund

R.S.O. 1970.
c. 470

(3) The moneys forming part of a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund.

Application of reserve fund

(4) The moneys forming part of a reserve fund established under subsection 1 shall be applied or expended only for the purposes of the County waterworks.

Payment of charges

82.—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality of the County and the treasurer of every area municipality shall pay the same to the treasurer of the County at the times and in the amounts specified by by-law of the County Council.

Discounts and penalties

(2) The County Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 12 per cent per annum or such lower rate as the County Council determines while such default continues.

Inspection of local works

83. Any person authorized by the County Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the

like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such works.

84.—(1) The County is not liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown or when it is necessary in maintaining or extending the system, but the County Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water. Temporary
shut-offs

(2) Where the supply of water by the County to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under this subsection shall be deemed to be a breach of contract or entitle any person to rescind any contract or release any guarantor from the performance of his obligation. No breach
of contract

PART VIII

COUNTY SEWAGE WORKS

85. In this Part,

Interpre-
tation

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage;

- (f) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like works;
- (g) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage and includes land appropriated for such uses;
- (h) "work" means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

Where
Part not
to apply

86. Except as otherwise provided, this Part does not apply to works of an area municipality in existence on the 1st day of January, 1979, for the collecting, receiving, treatment or disposal of any sewage or land drainage.

Agreements

87. The County may enter into agreements with any area municipality or local board thereof with respect to the construction, operation and maintenance of County works provided for in this Part, and in such event, the area municipality or local board has authority to enter into such agreements.

County
responsibility
for planning,
etc.

88.—(1) On and after the 1st day of January, 1979, the County shall have the sole responsibility for the planning of all works and watercourses in respect of the collection or disposal of sewage or land drainage including improvements, extensions or renewals in respect of works of an area municipality in existence on the 1st day of January, 1979, and for the capital financing of all such works, improvements, extensions or renewals.

General
powers

(2) For the purposes of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the County has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon an area municipality or local board thereof in respect of works, exclusive of sewers but including trunk sewers.

Powers
of area muni-
cipalities
restricted

(3) No area municipality shall, after the 31st day of December, 1978, establish, construct, improve, renew or extend any works, except a sewer that is not a trunk sewer, for the collection or receiving of sewage and the treatment and disposal thereof.

(4) For the purposes of this Part, the County Council may by by-law designate, describe or define what constitutes a trunk sewer.

County Council may designate, etc., trunk sewers

89. The County shall be responsible for undertaking the land drainage system including storm sewers with respect to county roads and any surrounding lands that naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the County as the County Council considers necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Land drainage

90. The County Council may pass by-laws for the construction, maintenance, improvement, repair, widening, altering, diverting and stopping up of its sewers, sewer system, sewage works, treatment works and watercourses and for regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the County an adequate system of sewage and land drainage disposal.

Regulation of system, etc.

91. The County Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of works of an area municipality connected or to be connected to a County work or watercourse, and every area municipality and local board shall conform to such by-laws.

Standards for local systems

92.—(1) The County may enter into agreements with the corporation of any local or regional municipality to receive and dispose of sewage and land drainage from the local or regional municipality, but where a local municipality is included in a regional municipality such agreements may only be entered into with the corporation of the regional municipality.

Agreements with other municipalities

(2) In 1978, no local municipality in the County shall, after the 12th day of May, 1978, without the approval of the Minister, enter into any agreement with a local or regional municipality for the receipt and disposal of sewage or land drainage.

Approval of Minister re agreements

(3) On and after the 1st day of January, 1979, no area municipality or local board thereof shall enter into any agreement with any local or regional municipality for the

Approval of County Council re agreements

receipt and disposal of sewage or land drainage without the approval of the County Council.

Approval
of local
extensions,
etc.

93.—(1) No area municipality or person shall connect any local work, local watercourse, private drain or private sewer to a County work or watercourse without the approval of the County Council.

Inspection
of plans, etc.

(2) Any engineer or other officer of the County has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the County work or watercourse.

Inspection
of local
works

94. Any person authorized by the County Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings, and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Sewage
service
rates

95.—(1) The County Council may pass by-laws, subject to the approval of the Municipal Board, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-laws specify of the annual cost of maintenance and operation of any County work or works.

Payment by
area muni-
cipalities

(2) All such charges constitute a debt of the area municipality to the County and shall be payable at such times and in such amounts as may be specified by by-law of the County Council.

Idem

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 362 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

R.S.O. 1970,
c. 284

Special
benefit

96.—(1) Where in the opinion of the County Council an area municipality or a portion thereof will or may derive a special benefit from the construction and operation of a work or watercourse, the County Council may, with the approval of the Municipal Board, in authorizing the construction, extension or improvement of the work, by by-law provide

that the area municipality shall be chargeable with and shall pay to the County such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

(2) Where debentures are issued for the cost of the work, the area municipality chargeable under the by-law shall make payments to the County with respect to such debentures proportionate to its share of the capital cost as set out in the by-law in the same manner as if debentures for such share had been issued by the County for the purposes of the area municipality.

Debenture
payments

(3) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality.

Raising
of money
by area
municipality

R.S.O. 1970,
c. 284

PART IX

FINANCES

97. In this Part, "rateable property" includes business and other assessment made under *The Assessment Act*.

Interpre-
tation
R.S.O. 1970,
c. 32

98.—(1) Every area municipality shall be deemed to be an area municipality for all purposes of *The Ontario Unconditional Grants Act, 1975* and every merged area shall be deemed to be a merged area for the purposes of that Act.

Area
municipality
deemed
municipality
under
1975, c. 7

(2) The County shall be deemed to be a regional municipality for the purposes of *The Ontario Unconditional Grants Act, 1975* except that,

County
deemed
regional
municipality

- (a) for the purposes of any payment under that Act in the year 1979 to the County, the population of each area municipality shall be determined in such manner as the Ministry considers proper;
- (b) for the purposes of this Act, "net regional levy" in *The Ontario Unconditional Grants Act, 1975*, means the amount required for county purposes including the sums required by law to be provided for any board, commission or other body, but excluding school purposes, apportioned to each area

municipality by section 100 of this Act, reduced by the amount credited to each municipality under section 4 of *The Ontario Unconditional Grants Act, 1975*.

Application
of
R.S.O. 1970,
c. 284

(3) Section 312 of *The Municipal Act* applies with necessary modifications to the County.

YEARLY ESTIMATES AND LEVIES

Yearly
estimates

99.—(1) The County Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the County, including the sums required by law to be provided by the County for any local board of the County, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance
to be
made in
estimates

(2) In preparing the estimates, the County Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

Surplus on
operating
deficit of
County
Council
in 1978

(3) The surplus or operating deficit for which the County Council shall make due allowance in preparing the estimates for the year 1979 shall be the audited surplus or operating deficit of the County on the 31st day of December, 1978.

Operating
deficit,
County of
Northumber-
land

(4) The amount by which any operating deficit existing for the County on the 31st day of December, 1978, exceeds the total of such County's reserves on such date shall become a charge on the municipalities that levied rates for such County in the same proportion as the last apportionment made for County purposes, and shall be paid in such proportions to the County by the appropriate area municipalities not later than the 30th day of June, 1979.

Application
of
R.S.O. 1970,
cc. 32, 284

(5) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply with necessary modifications to the County.

Levy on
area muni-
cipalities

100.—(1) The County Council in each year shall levy against the area municipalities a sum sufficient,

(a) for payment of the estimated current annual expenditures as adopted; and

- (b) for payment of all debts of the County falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the County is liable under this Act.

(2) The County Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality. Apportionment

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the County, according to the last revised assessment rolls. Idem

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities. Assessment

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the County and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality. Copy to County and area municipalities

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue. Appeal

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting. Idem

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the County Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed Amendment of by-law where necessary following appeal

under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the County; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the County only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the County shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not to
apply

R.S.O. 1970,
c. 32

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Assessment
to include
valuations on
properties
for which
payments in
lieu of
taxes paid

R.S.O. 1970,
c. 284
1974, c. 110
1975, c. 7

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes that include a payment in respect of County levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under sections 304 and 304a of *The Municipal Act* and section 5 of *The Provincial Parks Municipal Tax Assistance Act, 1974* and section 10 of *The Ontario Unconditional Grants Act, 1975*.

Valuation of
properties

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the County and the appropriate area municipality of such valuations.

(12) One by-law or several by-laws for making the levies ^{Levy by-laws} may be passed as the County Council may consider expedient.

(13) Subject to subsections 4, 5 and 6 of section 47 of *The County Assessment Act*, in each area municipality the County levy ^{County levy R.S.O. 1970, c. 32} shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

(14) All moneys levied against an area municipality under ^{Payment} the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the County and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the County at the times and in the amounts specified by the by-law of the County Council mentioned in subsection 2.

(15) If an area municipality fails to make any payment ^{Default} as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the County Council determines, from the date payment is due until it is made.

101.—(1) The Ministry of Revenue shall revise, equalize ^{Equalized assessment of merged areas} and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

(2) Upon completion by the Ministry of Revenue of the ^{Notice} revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

(3) Notwithstanding section 7 of *The Ontario Unconditional Grants Act, 1975*, the net County levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned ^{Apportionment among merged areas 1975, c. 7 R.S.O. 1970, cc. 284, 32} among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment*

Act shall not apply to any apportionment by an area municipality under this subsection.

Deter-
mination
of rates
1975, c. 7

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 3 of section 7 of *The Ontario Unconditional Grants Act, 1975*.

Levy by
County
Council
before
estimates
adopted

102.—(1) Notwithstanding section 100, in the year 1979, the County Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the County in the year 1978 for general municipal and County purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 100 and subsections 14 and 15 of section 100 apply to such levy and, if in the opinion of the County Council this would cause undue hardship in any area municipality, the County Council may reduce the amount otherwise payable under this subsection by such area municipality.

Idem

(2) Notwithstanding section 100, in 1980 and in subsequent years, the County Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the County Council in the preceding year against that area municipality and subsections 14 and 15 of section 100 apply to such levy.

Levy under
s. 100 to be
reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of levy made under section 100.

Levy by
area muni-
cipality
before
estimates
adopted

(4) Notwithstanding section 100, the council of an area municipality may in any year, before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding in 1979, 75 per cent and in all subsequent years 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy under
s. 100 to be
reduced

(5) The amount of any levy under subsection 4 shall be deducted from the amount of the levy made under section 100.

Application
of R.S.O. 1970,
c. 284, s. 303 (4)

(6) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

(7) The Ministry of Revenue, for the purposes of a levy Preliminary assessment under subsection 1, shall complete a preliminary assessment and such assessment shall be deemed to be the revised, equalized and weighted assessment under subsection 4 of section 100.

(8) The Ministry of Revenue shall notify the County and Notice each area municipality of the preliminary assessment referred to in subsection 7 on or before the 31st day of January, 1979.

103.—(1) For the purposes of levying taxes in respect of Rates under 1974, c. 109 separate schools under *The Education Act, 1974*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

(2) The amount required to be levied and collected by an Rates for public school purposes on commercial assessment area municipality for public school purposes on commercial assessment determined as a result of the application of section 215 of *The Education Act, 1974*, shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 101.

(3) The amount required to be levied and collected by an Rates for public school purposes on residential assessment area municipality for public school purposes on residential assessment determined as a result of the application of section 215 of *The Education Act, 1974*, shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 101.

(4) The amount required to be levied and collected by an Rates for secondary school purposes on commercial assessment area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 215 of *The Education Act, 1974*, shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 101.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 215 of *The Education Act, 1974*, shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 101.

Regulations
under
1974, c. 109

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 207 of *The Education Act, 1974*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

ADJUSTMENTS

Transitional
adjustments

104. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes that are different from the rates that would have been levied for such purposes but for the provisions of this section.

Allowances
to be
made in
estimates of
area mun-
icipalities
in 1979
R.S.O. 1970,
c. 284

105.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1979 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Merged
areas

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1979, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1978.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that, before the 1st day of January, 1979, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total

amount of the assessment of the local municipality, both according to the last revised assessment roll.

(4) For the purposes of this section and section 106, Adjustment for payment under s. 99 the audited surplus or operating deficit of a local municipality on the 31st day of December, 1978, shall be reduced or increased, as the case may be, by any payment required under subsections 4 and 5 of section 99.

106.—(1) In this section, “surplus or operating deficit” Interpretation includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*. R.S.O. 1970, c. 284

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1978, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1979. Surplus or deficit at Dec. 31, 1978 to be applied to supporting assessment

107.—(1) The Minister may appoint committees of arbitrators for the purpose of determining the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of any divided municipality. Committees of arbitrators

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint. Idem

(3) Before the 31st day of December, 1978, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1979. Provisional determination

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1978 together with determinations of any financial adjustments that may be necessary. Final determination

(5) The final determination made under subsection 4 shall be forwarded forthwith to the municipalities concerned, the County and the Municipal Board and unless the council of any such municipality or the County notifies the Municipal Board in writing within thirty days of the mailing of such determination that it objects to the determination, such determination shall, for the purposes of clause *a* of sub- Notice

R.S.O. 1970.
c. 284

section 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such municipalities and the County.

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Documents
and records

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the municipality to which they are transferred.

Period of
adjustment

(8) Notwithstanding the provisions of sections 99, 106 and this section, the Minister may prescribe the period over which any adjustments and settlements made thereunder are to be made.

RESERVE FUNDS

Reserve funds
of municipi-
palities

108.—(1) Reserve funds established by local municipalities for purposes for which the County has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the County and the assets of such reserve funds are vested in the County.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the County has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

TEMPORARY LOANS

Current
borrowings

109.—(1) The County Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the warden and treasurer to borrow from time to time by way of promissory note such sums as the County Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the County for the year, including the amounts required for principal and

interest falling due within the year upon any debt of the County and the sums required by law to be provided by the County Council for any local board of the County.

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the County as set forth in the estimates adopted for the year. Limit upon borrowings

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the County as set forth in the estimates adopted for the next preceding year. Temporary application of estimates of previous year

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application. Protection of lender

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the County and signed by the warden or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. Execution of promissory notes

(6) The signature of the warden or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. Idem

(7) The County Council may by by-law provide or authorize the warden and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the County for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender. Creation of charge

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the warden and treasurer. Execution of agreements

Penalties
for excess
borrowings

(9) If the County Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty
for mis-
application
of revenues
by County
Council

(10) If the County Council authorizes the application of any revenues of the County charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty
for mis-
application
of revenues
by officials

(11) If any member of the County Council or officer of the County knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving
as to
penalties

R.S.O. 1970,
c. 118

(12) Subsections 9, 10 and 11 do not apply to the County Council or any member of the County Council or officer of the County acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the County is made with the consent of the lender in whose favour a charge exists.

DEBT

Debt

R.S.O. 1970,
c. 323

110.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the County Council may borrow money for the purposes of,

- (a) the County;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the County.

Liability

(2) All debentures issued pursuant to a by-law passed by the County Council under the authority of this Act are direct, joint and several obligations of the County and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipi-

palities, but nothing in this subsection affects the rights of the County and of the area municipalities respectively as among themselves.

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1978, power to issue debentures.

Limitation

(4) When an area municipality, on or before the 31st day of December, 1978,

Uncom-
pleted
works

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1970,
c. 323

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the County Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the County for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 114 and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the County shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

Bonds,
debentures,
etc., trustee
invest-
ments
R.S.O. 1970,
c. 470

111.—(1) Where the County has entered into an agreement under *The Ontario Water Resources Act* whereby the County is entitled to receive moneys from the Crown, the County Council pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

Temporary
borrowing
R.S.O. 1970,
c. 332

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the County under *The Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the County has received the moneys to which it is entitled from the Crown under the

Application
of proceeds

said agreement, such moneys shall be applied first in repayment of the advances.

Power to
incur debt
or issue
debentures
R.S.O. 1970,
c. 323

112. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the County may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 110 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the County.

Idem

113.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the County Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the County Council has been obtained.

Proviso

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Borrowing
pending
issue and
sale of
debentures

114.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the County for its purposes, the County Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the County for the purposes of an area municipality, the County Council or the council of the area municipality pending the issue and sale of the debentures may, and the County Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized and the County Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The County may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan. Interest on proceeds transferred

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 127, shall be transferred to the area municipality. Application of proceeds of loan

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. Hypothecation not to prevent subsequent sale of debentures

(6) The signature of the warden or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. Signature of warden, etc., may be mechanically reproduced

115.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. Principal and interest payments

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures. Sinking fund debentures

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve. When debentures to be payable

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each Special levy against area municipalities

area municipality shall pay to the County such sums at the times and in the amounts specified in the by-law.

General
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area muni-
cipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Instalment
debentures
and
debentures
to refund
existing
debentures
at
maturity

(7) Notwithstanding subsection 5, the County Council may by by-law,

(a) authorize the borrowing of money by the issue of instalment debentures the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law, and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

Levy

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the County.

Levies a debt

(10) The County Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa* and, where any debentures issued under the by-law have been sold, pledged or hypothecated by the County Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

By-law to change mode of issuing debentures

(11) All the debentures shall be issued within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the County Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Debentures, when to be dated and issued

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Date of debentures

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first

Idem

levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time for
issue

(14) The Municipal Board, on the application of the County Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective
date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consoli-
dation

(17) Notwithstanding any general or special Act, the County Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consoli-
dating
debenture
by-laws
R.S.O. 1970,
c. 284

(18) Section 290 of *The Municipal Act* applies with necessary modifications to the County.

Redemp-
tion before
maturity

(19) The by-law may provide that all the debentures or any portion thereof shall be redeemable at the option of the County on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.

4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the County and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the County Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the County Council in respect of the debenture so redeemed.

(20) The by-law may provide that the debentures to be ^{Currency} issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(21) Where under the provisions of the by-law debentures ^{Annual rates} issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the County Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay

interest thereon or instalments of principal falling due in such year provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal
levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consoli-
dated
bank
accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

(a) the treasurer of the County shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking
fund com-
mittee

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the County and two members appointed by the County Council, and the two appointed members may be paid, out of the current fund of the County, such annual remuneration as the County Council determines.

Alternate
members

(25) The County Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the County, such remuneration as the County Council determines.

Chairman

(26) The treasurer of the County shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands in such amount as the auditor of the County shall determine,

and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security. R.S.O. 1970,
c. 284

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee. Quorum

(29) All assets of the sinking fund, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. Control of
sinking
fund
assets

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. With-
drawals
from bank
accounts

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. Invest-
ments

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms, Idem

- (a) in securities in which a trustee may invest under *The Trustee Act*; R.S.O. 1970,
c. 470
- (b) in debentures of the County;
- (c) in temporary advances to the County pending the issue and sale of any debentures of the County;
- (d) in temporary loans to the County for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made;
- (e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;
- (f) in such other securities as are authorized by the Lieutenant Governor in Council.

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario. Deposit of
securities
with
Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under Release of
securities
by
Treasurer
of Ontario

subsection 33 only upon the direction in writing of the sinking fund committee.

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited
to sinking
fund
accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

Sinking
fund
require-
ments

(37) The treasurer of the County shall prepare and lay before the County Council in each year, before the annual County levies are made, a statement showing the sums that the County Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(38) If the treasurer of the County contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Failure
to levy

(39) If the County Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the County Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where
amount in
sinking
fund
account
more than
sufficient
to pay debt

(40) Notwithstanding this or any other Act or by-law if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law

or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the County Council or the council of an area municipality, may authorize the County Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the County or otherwise than is provided in this section. No diversion of sinking funds

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall, Surplus

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the County or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the County or an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

for the purposes of the County or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the County out of its current funds and any Deficit and surplus

surplus in the sinking fund account shall be used as provided in subsection 42.

Term
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts to
be raised
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

Retirement
fund

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section and the provisions of subsections 23 to 43 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

All debentures
rank
equally

(47) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the County, except as to the availability of any sinking funds applicable to any particular issue of debentures.

Debentures
payable on a
fixed date
subject to
the annual
redemption
by lot of a
specified
principal
amount

116. Notwithstanding any other provision of this Act,

- (a) a money by-law of the County Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the County to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the County of such principal amount plus accrued interest to the

date of redemption and upon giving notice as provided in this section;

- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the County for the payment of the principal amount thereof;
- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the County at a public meeting of the County Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the County, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;
- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;
- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;
- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the County to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and
- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal.

117.—(1) Subsection 1 of section 296 of *The Municipal Act* applies with necessary modifications to the County Council.

Application
of
R.S.O. 1970,
c. 284, s. 296 (1)

Hypothecation not a sale under this section

(2) For the purposes of this section, the hypothecation of debentures under section 114 shall not constitute a sale or other disposal thereof.

Consolidation of debentures

(3) The County Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special assessment and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the County Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the County Council.

Repeal of by-law when part only of money to be raised

118.—(1) Where part only of a sum of money provided for by a by-law has been raised, the County Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

When to take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt paid certain by-laws cannot be repealed

119.—(1) Subject to section 118, after a debt has been contracted under a by-law, the County Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not apply to any other purpose any money of the County that has been directed to be applied to such payment.

Application of payments

(2) When the County, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for neglect of officer to carry out by-law

120. Any officer of the County whose duty it is to carry into effect any of the provisions of a money by-law of the County who neglects or refuses to do so, under colour of a

by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

121.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it certified under his hand and the seal of the County in the appropriate land registry office.

Money
by-laws
may be
registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act, 1975* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Application
to quash
registered
by-law,
when to
to made
R.S.O. 1970,
c. 323

1975. c. 79
R.S.O. 1970,
c. 255

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Time when
by-law to be
valid and
binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period valid and binding according to its terms.

Quashing
part of
by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Dismissal
of
application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 1 of section 113 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 115 have not been substantially complied with.

Illegal
by-laws not
validated

Failure to
register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures,
how sealed
and
executed

122.—(1) A debenture or other like instrument shall be sealed with the seal of the County, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the warden, or by some other person authorized by by-law of the County to sign it, and by the treasurer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the County Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
reproduc-
tion of
signatures

(3) The signature of the warden, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the County to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
reproduc-
tion

(4) The seal of the County when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the warden or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the warden or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the County.

Sufficiency
of
signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the County Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

123. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the County, the by-law and the debentures issued under it are valid and binding upon the County.

Debentures on which payment has been made for one year to be valid

124.—(1) Where a debenture contains or has endorsed upon it provisions to the following effect:

Mode of transfer may be prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the.....

.....

 of

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by entry in Debenture Registry Book

Fully
registered
debenture

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Where
Debenture
Registry
Book may
be main-
tained
outside
Canada

(5) Where debentures are payable in a currency other than that of Canada, the County Council may provide that the Debenture Registry Book of the County in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the County Council considers appropriate.

Replace-
ment of lost
debentures

125. Where a debenture is defaced, lost or destroyed, the County Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange of
debentures

126.—(1) On request of the holder of any debenture issued by the County, the treasurer of the County may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request
of sinking
fund
committee

(2) On the request of the sinking fund committee, the treasurer of the County may, as provided in this section, exchange debentures, heretofore or hereafter issued by the County.

New
debenture
of same
force and
effect as
debenture
surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures
to be
surrendered
for
exchange
to be
cancelled

(4) The treasurer and auditor of the County shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds
of
debentures

127.—(1) The moneys received by the County from the sale or hypothecation of any debentures, to the extent that such moneys are required for the purposes for which the debentures were issued and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes:

Idem

(2) None of the moneys received by the County from the sale or hypothecation of any debentures shall be applied

towards payment of the current or other expenditures of the County or an area municipality.

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied, Surplus

- (a) if any such debentures are redeemable prior to maturity at the option of the County to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. Deficiency

128. Where real or personal property acquired out of moneys received by the County from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 127 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold. Use of proceeds of sale of assets acquired from proceeds of sale of debentures

Tenders for
debentures

129. When the County intends to borrow money on debentures under this or any other Act, the County Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Accounts,
how to be
kept

130.—(1) The County Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consoli-
dated
interest
account

(2) The County Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

131. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Liability of
members

132.—(1) If the County Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditures, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(2) If the County Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the County. Action by
ratepayer

(3) The members who vote for such application are disqualified from holding any municipal office for two years. Disquali-
fication

133. When, by or under the authority of this Act, the County is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the County may, with the approval of the Municipal Board, Refinancing
of
debentures

- (a) cancel all such debentures that have not been sold and issue new debentures of the County in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for redemption of all such debentures as are redeemable and issue new debentures of the County to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Corporation to raise the money required to complete such purchase.

ASSETS

134. In the year 1978, the County of Northumberland or a local board thereof and any local municipality or a local board thereof shall not, after the 15th day of May, without the approval of the Minister, dispose of any asset purchased at a cost of or valued at more than \$5,000. Disposal
of assets

PART X

GENERAL

135.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250, 254, 308, 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66, 67, 67a Application
of
R.S.O. 1970,
c. 284

R.S.O. 1970,
c. 284

and 71a of section 352, paragraph 10 of section 460, and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the County.

Erections,
annexa-
tions and
amalgama-
tions

(2) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Public
transporta-
tion
systems
R.S.O. 1970,
c. 284

(3) The County shall be considered to be a local municipality for the purposes of paragraph 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*.

Application
of
R.S.O. 1970,
c. 280, s. 13

(4) The County shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

Delegation
of
approval

(5) Notwithstanding any other provision in this Act, the County may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

By-laws

(6) Every by-law of a local municipality as it exists on the 31st day of December, 1978, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1979, and may be amended or repealed by the council of an area municipality as it affects such area municipality and where any such by-law pertains to a function of the County it may be amended or repealed by the County Council.

Idem

(7) Where any local municipality has passed a by-law that, prior to its coming into force requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1978, the council of the successor area municipality to such local municipality, or the County Council when the subject-matter of the by-law pertains to a function of the County, shall be entitled to initiate or continue the procedure to obtain such approval to the by-law passed by the local municipality, in so far as it pertains to such area municipality or the County and the provisions of subsection 6 apply with necessary modifications to any such by-law.

(8) Notwithstanding section 4 of *The Conservation Authorities Act*, the County Council may appoint to the Crowe Valley, Ganaraska Region, Lower Trent Region and Otonabee Region Conservation Authorities the same number of members as the local municipalities within the County were entitled to appoint in the year 1978.

Conservation
authority
representa-
tion
R.S.O. 1970,
c. 78

136.—(1) The County may pass by-laws,

Emergency
measures

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the County; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the County,

and when a by-law passed under this subsection is in force in the County, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the County Council may pass by-laws,

Powers of
County
Council
re emer-
gency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the County, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada);
- (d) for acquiring alternative headquarters for the County government outside the County;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and

R.S.C. 1970,
c. W-2

(f) for complying with any request of the Government of Canada or of Ontario in the event of attack.

Expenditures for diffusing information

137.—(1) The County may make expenditures for the purpose of diffusing information respecting the advantages of the County as an industrial, business, educational, residential or vacation centre.

Application of R.S.O. 1970, c. 284 ss. 354 (1), par. 50, 395

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply with necessary modifications to the County, and no area municipality shall exercise any such powers, save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1978.

Payment of damages to employees

R.S.O. 1970, c. 505

138. Where, in an action or by the settlement of a claim arising out of any injury to an employee or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the County recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the County may impose.

Investigation by county judge of charges of malfeasance

1971, c. 49

139.—(1) Where the County Council passes a resolution requesting a judge of the county court within the County or a judge of the county court of a county or judicial district adjoining the County to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the County Council, or an officer or employee of the County, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the County, or to inquire into or concerning any matter connected with the good government of the County or the conduct of any part of its public business, including any business conducted by a local board of the County, the judge shall make the inquiry and for that purpose has all the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act, and he shall, with all convenient speed, report to the County Council the result of the inquiry and the evidence taken.

Fees payable to judge

R.S.O. 1970, c. 228

(2) The judge shall be paid by the County the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Engaging counsel

(3) The County Council may engage and pay counsel to represent the County, and may pay all proper witness fees to persons summoned to give evidence at the instance of the

County, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the County shall pay the costs thereof. Idem

140.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the County or a local board thereof, and any matter connected therewith, and the commission has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. Com-
mission of
inquiry

1971, c. 49

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the County Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. When
commission
may issue

(3) The expenses of an incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the County and the Province as the Lieutenant Governor in Council may direct. Expenses
of
commission

141.—(1) The County for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. Entry on
highways

(2) Any area municipality for its purposes may enter, break up, dig and trench in, upon and under the highways of the County and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways shall be restored to their original condition without unnecessary delay, and no such work shall be undertaken by an area municipality without first obtaining the approval of the County Council. Entry on
County
highway by
area muni-
cipality

(3) The County Council may by by-law delegate its approval function under subsection 2 to any officer of the County. Delegation

Agree-
ments
re services

142. The County and any area municipality may enter into agreements for the use within any part of the County of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary.

Application
of
R.S.O. 1970,
c. 32

143.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the County shall be deemed to be a municipality.

County and
area muni-
cipalities
deemed not
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the County is occupied by an area municipality or where property belonging to an area municipality is occupied by the County or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpre-
tation

(3) In subsection 2, “County” and “area municipality” include a local board thereof.

Execution
against
County

144.—(1) An execution against the County may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the County, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the County for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such

addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the County has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. the County of Northumberland" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

145. The Trenton Suburban Roads Commission is dissolved on the 1st day of January, 1979, and all the assets and liabilities thereof vest in the County on such date.

146.—(1) In the event of any doubt as to whether any particular asset or liability is vested in the County under

Function of
clerk and
treasurer

Roads
Com-
mission
dissolved

Powers of
O.M.B.

this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1970,
c. 323

Settling
of doubts

(2) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the County under this Act, the Municipal Board upon application may determine the matter and its decision is final.

Conditional
powers

147. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict
with other
Acts

148.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to a local municipality or local board thereof within the County, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the County or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the County or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

149.—(1) The County or an area municipality or the County and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the County or the County and one or more area municipalities or any local board thereof.

Application
of
R.S.O. 1970,
c. 284

(2) Section 256 of *The Municipal Act* applies with necessary modifications to any joint undertaking under this section.

Interpre-
tation

150.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal

refuse, and such other waste as may be designated by by-law of the County Council.

(2) On and after the 1st day of January, 1979, the County shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities.

Receiving
and
disposing of
waste by
County

(3) For the purposes of subsection 2, the County may acquire and use land within the County and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person, including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the County Council considers appropriate in the circumstances.

Waste
disposal
sites

(4) For the purposes of subsection 3, an area municipality may lease or sell to the County any solid waste disposal site that prior to the 1st day of January, 1979 was operated by a local municipality, upon such terms and conditions as may be agreed upon by the parties.

Lease
or sale

(5) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies with necessary modifications.

Applica-
tion of
R.S.O. 1970,
c. 284,
s. 354(1),
par. 77

151. Where any agreement has been entered into or proceeding commenced by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the County or the appropriate area municipality shall on and after the 1st day of January, 1979, be deemed to stand in the place and stead of such local municipality for all purposes in so far as the agreement or proceeding pertains to the functions of the County or area municipality.

Successor
rights

152.—(1) The County shall appoint a County Fire Coordinator who shall be responsible for the establishment of an emergency fire service plan and program for the County.

County
Fire Co-
ordinator

(2) For the purposes of subsection 1, the County is authorized to expend such sums as it considers necessary to implement such plan and program, and the County Council may, by by-law, ascertain and direct what portion of the sums so expended shall be a debt of the area municipality due to the County.

Expendi-
tures

Penalty

(3) If an area municipality fails to make any payment required by subsection 2, the County may charge the area municipality interest at the rate of 12 per cent per annum thereon or such lower rate as the County Council determines.

Existing
speed limits
continued
R.S.O. 1970,
c. 202

153.—(1) Notwithstanding the other provisions of this Act, but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the County that, on the 31st day of December, 1978, formed part of a city, town, village or township municipality shall be considered to continue to form part of a city, town, village or township municipality.

By-laws of
County and
area mun-
icipalities

(2) Notwithstanding subsection 1, the County Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1978, to any highway or portion thereof within the County shall continue to apply thereto until a by-law passed by the County Council or the council of an area municipality under such section 82 applies thereto.

Non-
application
of
R.S.O. 1970,
c. 354, s. 108

154.—(1) On and after the 1st day of January, 1979, no area municipality shall be required to comply with section 108 of *The Power Corporation Act*.

Distribu-
tion of
electrical
power

(2) Where, on the 31st day of December, 1978, Ontario Hydro, or a public utilities commission, is supplying electrical power and energy in any area within the County, such Commission shall continue until a date to be determined by the Minister to distribute and sell power within such area and such Commission shall be deemed to be a local board of the area municipality in which it has jurisdiction and where any such Commission is serving in two or more municipalities it shall be deemed to be a local board of the municipality that has the higher or highest assessment to which electrical power and energy is being supplied.

Trustees
deemed
Com-
mission

R.S.O. 1970,
c. 390

(3) The trustees of the Police Village of Warkworth as it exists on the 31st day of December, 1978, shall, until such date as the Minister may by order designate, be deemed to be a Commission established under Part III of *The Public Utilities Act*, for the Police Village of Warkworth Hydro-Electric System, to be known as The Hydro-Electric Commission of Warkworth, which shall be deemed to be a local board of the area municipality of the Township of Hastings,

and all rights and obligations of the Police Village of Warkworth in relation to the Police Village of Warkworth Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Warkworth.

(4) The Waterworks Commission of the Town of Port Hope and The Hydro-Electric Commission of the Town of Port Hope as each exists on the 31st day of December, 1978, are continued until a date to be determined by the Minister and shall continue to distribute and sell water and power respectively within the area municipality and each commission shall be deemed to be a local board of the Town of Port Hope.

Com-
missions
continued

(5) The members of a hydro-electric commission referred to in subsections 2, 3 and 4, including *ex officio* members who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality or area municipalities in which such a commission operates shall also be a member of such commission.

Members
of Com-
mission
continue in
office

(6) All public utilities commissions within the County except those referred to in subsections 2, 3 and 4 are hereby dissolved on the 31st day of December, 1978.

Com-
missions
dissolved

(7) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the County Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Member
of Com-
mission not
disqualified

155.—(1) On the 31st day of December, 1978, all community centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1979, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitration appointed under section 107 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Boards, etc.,
dissolved

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Culture and Recreation Act, 1974* and the regulations thereunder, and a board of a community centre under *The Community Recreation Centres Act, 1974*.

Council
deemed
recreation
committee
1974, cc. 80, 120

Idem

(3) The council of an area municipality may appoint such advisory committees to assist it for the purposes of this section as the council deems appropriate.

Non-application
of
R.S.O. 1970,
c. 284, s. 244

156. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the County in the year 1978.

Review of
library
services

157. The County Council may make application to the Minister for a review of the library services being provided in the County.

Organ-
ization
expenses

158.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the County.

Terms and
conditions

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct.

Commence-
ment

159.—(1) This Act, except Parts V, VII and VIII, and sections 97 to 106 and 108 to 133 of Part IX, comes into force on the day it receives Royal Assent.

Idem

(2) Parts V, VII and VIII and sections 97 to 106 and 108 to 133 of Part IX come into force on the 1st day of January, 1979.

Short title

160. The short title of this Act is *The County of Northumberland Act, 1978*.

FORM 1

(Section 11 (4))

OATH OF ALLEGIANCE

I,.....
 having been elected (*or appointed*) as Warden of the Council of the Council
 of the County of Northumberland, do swear that I will be faithful and
 bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning
 sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 11 (4))

DECLARATION OF QUALIFICATION BY WARDEN

I,.....
 having been elected (*or appointed*) as Warden of the council of the County
 of Northumberland declare that:

1. I am a Canadian citizen or other British subject and am not a
 citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an employee of any area municipality or local board
 of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be
 true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

An Act to restructure
the County of Northumberland

1st Reading

May 11th, 1978

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

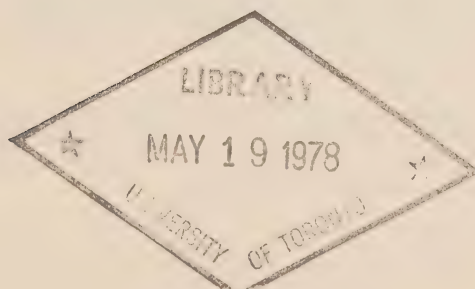
1986

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

Government
Publications

An Act to amend The Municipal Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



EXPLANATORY NOTES

SECTION 1. The effect of the re-enactment is to define "Minister" as the Minister of Housing for the purposes of section 361 of the Act. See the Note to section 18 of the Bill.

SECTION 2. The Board referred to is the Board of Management of an inter-urban area. Subsection 22 of section 24 now reads as follows:

- (22) *The first meeting of the Board of Management shall be held at the time and place fixed by the order of the Municipal Board and each year thereafter the first meeting of the Board shall be held not later than the second Monday in January and the day and the hour for holding the meeting shall be fixed by by-law.*

The change in the date of the first meeting reflects the change in the date of the commencement of the term of office of such a Board from the 1st day of January to the 1st day of December, as provided for by *The Municipal Elections Act, 1977*.

SECTION 3. Sections 27a and 27b of the Act provide authority for a county council to, by by-law, vary the composition of the county council. The subsection to be added sets a time limit after which such a by-law may not be passed in an election year.

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 13a of section 1 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 124, section 1, and amended by 1973, chapter 175, section 1, and 1976, chapter 51, section 1, is repealed and the following substituted therefor: s. 1, par. 13a,
re-enacted

13a. "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs, except that in sections 361, 443, 450 and 461 "Minister" means the Minister of Housing.

2. Subsection 22 of section 24 of the said Act is repealed and the following substituted therefor: s. 24 (22),
re-enacted

(22) The first meeting of the Board of Management Meetings shall be held at the time and place fixed by the order of the Municipal Board and thereafter the first meeting of the Board after a regular election shall be held not later than the second Tuesday in December, and the day and the hour for holding the meeting shall be fixed by by-law.

3. Section 27b of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 83, section 1, is amended by adding thereto the following subsection: s. 27b,
amended

(4) A by-law for any of the purposes mentioned in subsection 1 of this section or subsection 1 of section 27a or a by-law repealing any such by-law shall, in an election year, be passed not later than the tenth day prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*. Time for
passing
by-law
1977, c. 62

s. 28 (4),
re-enacted

- 4.—(1) Subsection 4 of section 28 of the said Act is repealed and the following substituted therefor:

When and
how by-law
to be passed

(4) A by-law for any of the purposes mentioned in subsections 1 and 2 and a by-law repealing any such by-law shall, in an election year, be passed not later than the tenth day prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*, and such by-law shall not be passed unless it has received the assent of the municipal electors.

1977, c. 62

s. 28 (6),
re-enacted

- (2) Subsection 6 of the said section 28 is repealed and the following substituted therefor:

Submission
of by-law
on petition
of electors

(6) Subject to subsections 3 and 7, where the petition of at least one-fifth of the municipal electors is presented praying for the passing of a by-law repealing a by-law for the purpose mentioned in clause *c* of subsection 1, or where a petition of not less than 400 electors is presented praying for the passing of a by-law for the purpose mentioned in subsection 2, or for the repeal of a by-law passed under that subsection, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing municipal election and if the voting is in favour of the change shall without delay pass a by-law in accordance with the prayer of the petition.

Time for
presentation
of petition

(7) A petition for any of the purposes mentioned in subsection 6 shall, in an election year, be presented not later than the tenth day prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*.

s. 30 (5),
re-enacted

- 5.—(1) Subsection 5 of section 30 of the said Act is repealed and the following substituted therefor:

Time for
passing
by-laws;
assent of
electors

(5) A by-law passed under section 29 or under subsection 2 or 3 of this section, and a by-law repealing any such by-law shall, in an election year, be passed not later than the tenth day prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*, and such by-law shall not be passed unless it has received the assent of the municipal electors.

s. 30 (7, 8),
re-enacted

- (2) Subsections 7 and 8 of the said section 30 are repealed and the following substituted therefor:

SECTION 4. Similar in intent to section 3 of the Bill. The by-law referred to is one to vary the composition of the council of a city. The time limit now set out for passing a by-law or the presentation of a petition is the 1st day of November.

SECTIONS 5 AND 6. Similar in intent to section 4 of the Bill, and applicable to by-laws varying the composition of the councils of towns, both in unorganized territory and in counties, and in villages and townships. The present deadline is, as with cities, the 1st day of November.

(7) Subject to subsections 4 and 9, where a petition of not less than one-fifth of the municipal electors is presented praying for the passing of a by-law for any of the purposes mentioned in this section or for repealing any such by-law, except a by-law reducing the number of councillors to two for each ward, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing municipal election and if the voting is in favour of the proposed change shall without delay pass a by-law in accordance with the prayer of the petition. Submission of question on petition of electors

(8) Subject to subsections 4 and 9, where a by-law has been passed for reducing the number of councillors to two for each ward, the council, upon the petition of not less than 100 resident municipal electors shall submit the question of repealing the by-law to a vote of the electors at the next ensuing municipal election and if the voting is in favour of the repeal shall without delay pass a by-law in accordance with the prayer of the petition. Submission of question of repeal

(9) A petition presented under subsection 7 or 8 shall, in an election year, be presented not later than the tenth day prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*. Time for presentation of petition
1977, c. 62

6.—(1) Subsection 3 of section 32 of the said Act is repealed and the following substituted therefor: s. 32 (3), re-enacted

(3) A by-law for the purpose mentioned in subsection 2 and a by-law repealing any such by-law shall, in an election year, be passed not later than the tenth day prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*, and such by-law shall take effect at and for the purpose of the municipal election next after the passing of it. Time for passing by-law

(2) Subsection 8 of the said section 32 is repealed and the following substituted therefor: s. 32 (8), re-enacted

(8) A by-law for the purpose mentioned in subsection 6 and a by-law repealing any such by-law shall, in an election year, be passed not later than the tenth day prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*, and such by-law shall not be passed until it has received the assent of the municipal electors. Time for passing, assent of electors

s. 35,
re-enacted

7. Section 35 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 51, section 2, is repealed and the following substituted therefor:

Qualification
of
candidates

35. Every person is qualified to hold office as a member of a council of a local municipality,

1977, c. 62

(a) who is entitled to be an elector under section 12 or 13 of *The Municipal Elections Act, 1977* for the election of members of the council; and

(b) who is not disqualified by this or any other Act from holding such office.

s. 44,
amended

8. Section 44 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 121, section 11, is amended by adding thereto the following subsection:

Method of
conducting
lot

(6) For the purposes of subsection 5, "lot" means the method of determining the candidate to be excluded or the candidate to fill the vacancy, as the case may be, by placing the names of the candidates on equal size pieces of paper placed in a box and one name being drawn by a person chosen by the clerk.

s. 184 (1),
re-enacted

- 9.—(1) Subsection 1 of section 184 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 169, section 4, is repealed and the following substituted therefor:

First
meeting of
council.
local
municipality

(1) The first meeting of the council of a local municipality after a regular election shall be held not later than the second Tuesday in December, and the meeting shall be held at 11 o'clock in the forenoon or at such hour as may be fixed by by-law.

s. 184 (2),
re-enacted

- (2) Subsection 2 of the said section 184 is repealed and the following substituted therefor:

county

(2) The first meeting of the council of a county after a regular election shall be held after the councils of the municipalities that form part of the county for municipal purposes have held their first meetings under subsection but in any event not later than the third Tuesday in December, and the meeting shall be held at 2 o'clock in the afternoon or at such hour as may be fixed by by-law.

s. 186 (1),
re-enacted

10. Subsection 1 of section 186 of the said Act is repealed and the following substituted therefor:

SECTION 7. Section 35 of the Act now reads as follows:

35. *Every person is qualified to hold office as a member of a council of a local municipality,*

- (a) whose name is entered on the polling list of electors for election of members of the council or who is entitled to have his name entered on such list by virtue of possessing, on or before nomination day, a certificate issued to him under section 31 of The Municipal Elections Act, 1972; and*
- (b) who is not disqualified by this or any other Act from holding such office.*

The change in clause *a* is necessary as under *The Municipal Elections Act, 1977* the polling list may not have been prepared by the time nomination papers may be filed.

SECTION 8. Section 44 of the Act deals with appointments to vacancies on a council. Subsection 5 now reads as follows:

- (5) Where the votes cast in a vote under this section are equal for all the candidates,*
 - (a) if there are three or more candidates nominated or remaining, the clerk shall by lot select one such candidate to be excluded from the subsequent voting; or*
 - (b) if only two candidates remain the tie shall be broken and the vacancy shall be filled by the candidate selected by lot conducted by the clerk.*

The method of conducting the "lot" set out in the new subsection 6 is the same as that set out in *The Municipal Elections Act, 1977*.

SECTION 9. Subsections 1 and 2 of section 184 of the Act now read as follows:

- (1) The first meeting of the council of a local municipality after a regular election, shall be held on the second Monday in January at 11 o'clock in the forenoon or at such hour as may be fixed by by-law, or on such day prior to the second Monday in January and at such hour as may be fixed by by-law.*
- (2) The first meeting of the council of a county shall be held on the third Tuesday in January at 2 o'clock in the afternoon or at such hour as may be fixed by by-law, or on such day prior to the third Tuesday in January and at such hour as may be fixed by by-law.*

The change in the first meeting dates of councils of local municipalities and counties is made necessary by the change in the commencement date of the term of office of municipal councils from the 1st day of January to the 1st day of December, provided for by *The Municipal Elections Act, 1977*.

SECTION 10. Subsection 1 of section 186 of the Act now reads as follows:

- (1) In each year at the first meeting of a county council at which a majority of all the members is present, they shall organize as a council and elect one of the members to be warden.*

The re-enactment reflects the change in the date of the commencement of the term of office of municipal councils; the county warden will continue to hold office for one year only.

SECTION 11. The amendment is complementary to the changes proposed in the Bill dealing with the payment of remuneration to members of council. See the Notes to sections 21 and 22 of the Bill.

SECTION 12. The sections to be repealed provide authority to pay salaries to members of boards of control and to the head of council, respectively. They will be replaced by the provisions proposed by the Bill respecting remuneration of council members. See the Notes to sections 21 and 22 of the Bill.

SECTION 13. The section to be repealed provides for the making of certain returns by municipal clerks to the Ministry and reads as follows:

217.—(1) *The clerk of every municipality shall in each year within the time prescribed by the Ministry make a return to the Ministry on forms provided by it of such information and statistics with respect to the financial affairs, accounts and transactions of the municipality as the Ministry may prescribe, and every such return shall be transmitted by registered mail.*

(2) *For every contravention of this section, the clerk is guilty of an offence and on summary conviction is liable to a fine of not more than \$40.*

(3) *The Ministry shall cause to be prepared annually a tabulated statement of the returns which shall be laid before the Assembly.*

The requirement is felt to be redundant in the light of similar returns required to be made by municipal treasurers under section 223 of the Act.

SECTION 14. The new section 242b permits a council to authorize hearings to be held by a committee rather than by the full council in those cases where a hearing is required by law to be afforded to interested parties before the council does an act or passes a by-law.

(1) The council of a county shall, in each year of its term at its first meeting at which a majority of all the members is present, elect one of the members to be warden.

Warden.
election

11. Section 198 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 48, section 3, is repealed and the following substituted therefor:

s. 198.
re-enacted

198. No member of a council shall vote on any by-law appointing him to any office in the gift of the council or fixing or providing his remuneration for any service to the corporation, but this does not apply to a by-law for paying remuneration passed under section 388 or 389a.

Prohibition
as to
member
voting to
appoint
himself to
office, etc.

12. Sections 205 and 211 of the said Act are repealed.

ss. 205, 211,
repealed

13. Section 217 of the said Act is repealed.

s. 217,
repealed

14. The said Act is amended by adding thereto the following section:

s. 242b,
enacted

242b.—(1) Where the council of a municipality is required by law to hear interested parties or to afford them an opportunity to be heard before doing any act, passing a by-law, or making a decision, the council may provide by by-law for a committee of the council to hear such parties or afford them an opportunity to be heard in the place and stead of the council, and, where a hearing is conducted or an opportunity to be heard is afforded by a committee under such a by-law in respect of any matter, the council may do the act, pass the by-law, or make the decision in respect of which the hearing was held or the opportunity for a hearing afforded without being required to hold a hearing or afford an opportunity for a hearing in respect of such matter.

Hearings
by
committee
authorized

(2) Upon the conclusion of a hearing conducted by a committee under a by-law passed pursuant to subsection 1, the committee shall as soon as practicable make a written report to the council summarizing the evidence and arguments presented by the parties, the findings of fact made by the committee and the recommendations, if any, of the committee with reasons therefor on the merits of the application in respect of which the hearing has been conducted.

Report by
committee

(3) After considering the report of the committee, the council may thereupon in respect of such application do any act, pass any by-law or make any decision that it might have done, passed or made had it conducted the hearing itself.

Authority of
council

Application
of
1971, c. 47

(4) Where a committee conducts a hearing in respect of any matter pursuant to a by-law passed under this section, the provisions of sections 5 to 15 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* shall be deemed to apply to the committee and to the hearing conducted by it and those sections, except for section 24, do not apply to the council in the exercise of its power of decision in respect of such matter.

s. 336,
amended

15. Section 336 of the said Act is amended by adding thereto the following subsection:

Use of lands
owned by
corporation

(6) The council of every corporation may pass by-laws providing for the use by the public of lands of which the corporation is the owner and for the regulation of such use and the protection of such lands.

s. 352,
par. 60,
amended

16.—(1) Paragraph 60 of section 352 of the said Act is amended by inserting after “thereof” in the fourth line “or of any works under, over, along, across or upon such highway or portion thereof”.

s. 352,
amended

(2) The said section 352 is amended by adding thereto the following paragraphs:

Liability
insurance;
payment of
damages, etc.

67a. For contracting for insurance to protect the employees of the municipality or any local board thereof, or any class of such employees, against risks that may involve liability on the part of such employees or class thereof and for paying premiums therefor or for paying any damages or costs awarded against any such employees or class thereof or expenses incurred by them as a result of any action or other proceeding arising out of acts or omissions done or made by them in their capacity as employees or for paying any sum required in connection with the settlement of such an action or other proceeding and for assuming the cost of defending any such person in such an action or other proceeding.

Interpre-
tation

(a) In this paragraph,

(i) “employee” means any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board and includes a member of the police force of the municipality and any person or class of person designated as an employee by the Minister;

(ii) “local board” means a local board as defined in *The Municipal Affairs Act*.

SECTION 15. The new subsection 6 of section 336 of the Act permits councils to pass by-laws relating to the use by the public of lands owned by the municipal corporation.

SECTION 16.—Subsection 1. Paragraph 60 of section 352 of the Act permits the temporary closing of highways for the purposes of repair, etc. The words added will make it clear that a highway may be so closed if works under, over, across or along the highway require repair.

Subsection 2. The new paragraph 67*a* permits municipalities to insure or otherwise protect its employees or the employees of its local boards from liability arising out of acts performed in their capacity as employees.

The new paragraph 71*a* empowers municipalities to establish bicycle paths. Note that the power to acquire land for this purpose does not include the power to expropriate.

Subsection 3. Paragraph 74 of section 352 of the Act permits, *inter alia*, the erection of monuments on a highway if the approval of the Municipal Board is obtained and if the highway is at least sixty-six feet in width. The re-enactment removes those two requirements.

SECTION 17.—Subsection 1. Clause *a* is new and defines “private roadway” for the purposes of the paragraph. There is no other change made by the re-enactment.

- (b) A local board has the same powers to provide insurance for or to make payments to or on behalf of its employees as are conferred upon the council of a municipality under this paragraph in respect of its employees. Local boards

71a. For establishing, laying out and maintaining bicycle paths and for regulating the use thereof and for acquiring land for such purposes and for entering into agreements with other municipalities, including a regional, district or metropolitan municipality, or with the Crown in right of Ontario or the Crown in right of Canada, or with any person or any other body for the use of land for such purposes. Bicycle paths

- (a) The power to acquire land under this paragraph does not include the power to enter on and appropriate land.
- (3) Clause *b* of paragraph 74 of the said section 352 is repealed and the following substituted therefor: s. 352,
par. 74 (b),
re-enacted
- (b) The council may authorize the erection of any such monument in any highway over which the corporation has jurisdiction.

- 17.—(1) Paragraph 45a of subsection 1 of section 354 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 136, section 15, is repealed and the following substituted therefor: s. 354 (1).
par. 45a,
re-enacted

45a. Notwithstanding paragraph 112, for designating private roadways as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle or vehicles parked or left along any fire route so designated at the expense of the owner thereof. Designating
fire routes
and pro-
hibiting
parking
thereon

- (a) For the purposes of this paragraph, "private roadway" means any private road, lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot.
- (b) Clause *a* of paragraph 107 applies to penalties provided by a by-law passed under this paragraph.
- (c) Subsection 13 of section 116 of *The Highway Traffic Act* applies to a by-law passed under this paragraph. R.S.O. 1970,
c. 202

- (d) The driver of a motor vehicle, not being the owner, is liable to any penalty provided in a by-law passed under this paragraph and the owner of the motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.

s. 354 (1),
par. 95,
re-enacted

- (2) Paragraph 95 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Projections

95. For permitting window air-conditioners, cornices, eaves, awning containers, awning covers, sills, brackets and other similar projections beyond the main walls of buildings to encroach upon a highway at such height above the grade thereof as established by council as the council may provide in the by-law.

s. 354 (1),
par. 123,
re-enacted

- (3) Paragraph 123 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Pits and
quarries

123. For regulating the operation of pits and quarries within the municipality and for requiring the owners of pits and quarries that are located within such distance of a road as is specified in the by-law and that have not been in operation for a period of twelve consecutive months to level and grade the floor and sides thereof and such area beyond their edge or rim as is specified in the by-law so that they will not be dangerous or unsightly to the public.

s. 361,
amended

18. Section 361 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 69, section 11, is further amended by adding thereto the following subsections:

Designa-
tion of
enlarged
improvement
area

(17a) The council of a local municipality may pass by-laws for designating as an improvement area an area that includes all of an existing improvement area designated under subsection 1.

Application of
subss. 2-5

(17b) Subsections 2, 3, 4 and 5 apply with necessary modifications to the passing of a by-law under subsection 17a.

When by-law
comes into
effect

(17c) Subject to subsection 18, a by-law passed under subsection 17a comes into effect on the 1st day of January next after its passing.

Board of
Management
continued

(17d) Where a by-law passed under subsection 17a comes into effect, the existing improvement area mentioned in that subsection is dissolved, but the Board of Management estab-

Subsection 2. The paragraph now provides any such projection permitted must be at least eight feet above grade; the re-enactment drops that requirement.

Subsection 3. Paragraph 123 of subsection 1 of section 354 of the Act now reads as follows:

123. For regulating the operation of pits and quarries within the municipality and for requiring the owners of pits and quarries that are located within 300 feet of a road and that have not been in operation for a period of twelve consecutive months to level and grade the floor and sides thereof and the area within 300 feet of their edge or rim so that they will not be dangerous or unsightly to the public.

The re-enactment drops the references to 300 feet.

SECTION 18. The effect of the addition of new subsections 17*a* to 17*e* is to permit a municipality to enlarge an existing improvement area without having to dissolve the existing Board of Management of the area.

The new subsection 20 authorizes the Minister of Housing to make loans or grants to a municipality for the purposes mentioned.

Paragraph 72 of section 352 permits the establishment of municipal parking lots.

SECTIONS 19 AND 20. The two provisions to be repealed permit by-laws to be passed by counties and by townships in unorganized territory, respectively, to require sleighs used on highways to have runners apart at the bottom at least four feet.

SECTIONS 21 AND 22. Sections 388 and 389 of the Act providing for the payment of remuneration and allowances to members of councils now read as follows:

388.—(1) *The council of a municipality may pass by-laws,*

(a) *for paying the members of council for attendance at meetings of council or of its committees such per diem rate as the council may determine;*

(b) *for paying the members of council such per diem rate as council may determine for attendance, when such attendance is authorized by resolution of council, at meetings or at any place, whether held or located within or outside the boundaries of the municipality, other than meetings of any body in respect of which the members of council are paid remuneration pursuant to clause a or pursuant to any other provision of this Act or any other general or special Act.*

1. *A by-law passed pursuant to this clause may define a class or classes of meetings or attendances at a place in respect of which a per diem rate may be paid and may authorize payment of a per diem rate only in respect of such class or classes of meetings or attendances.*

2. *For the purpose of this clause, "attendance at meetings" includes attendance by a member of council at any place to meet with one or more other persons for the purpose*

lished for that improvement area is continued and shall be the Board of Management for the new improvement area designated under the by-law.

(17e) The provisions of this section that apply to a Board of Management under subsection 1 or to a council or municipal auditor in respect of such a Board apply with necessary modifications to a Board of Management continued under subsection 17d and to the council of a local municipality in respect of such a Board over which it has jurisdiction and to the auditor of the municipality in respect of such Board. Application

(20) The Minister and a local municipality may enter into agreements for the provision of loans or grants to the municipality on such terms or conditions as are agreed upon for the purpose of the improvement, beautification and maintenance of municipally owned lands, buildings and structures in the municipality or in any defined area thereof and for the purposes mentioned in paragraph 72 of section 352. Minister of Housing may enter into agreements

19. Paragraph 7 of section 373 of the said Act is repealed.

s. 373,
par. 7,
repealed

20. Section 374 of the said Act is repealed.

s. 374,
repealed

21. Section 388 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 48, section 7, is repealed and the following substituted therefor:

s. 388,
re-enacted

388.—(1) Notwithstanding the provisions of any general or special Act, the council of a municipality may pass by-laws for paying remuneration to the members of council, and such remuneration may be determined in any manner that council considers advisable.

Remuneration of councillors

(2) The remuneration to be paid may be determined in different manners and be of different amounts for different members of council. Idem

22. Section 389 of the said Act is repealed and the following substituted therefor:

s. 389,
re-enacted

389.—(1) Notwithstanding the provisions of any general or special Act, the council of a municipality may provide by by-law for paying in whole or in part such expenses of the members of council and of the officers and servants of the municipality as are actually incurred as a result of their acting either within or outside the municipality in their capacity

Expenses

as members of council or officers of the municipal corporation or as officers or servants of the municipality and as are authorized by the by-law.

Maximum
amounts

(2) A by-law passed under subsection 1 may set maximum amounts or rates that may be paid in respect of any expense for which payment is authorized by the by-law.

Remunera-
tion of
council
members
as local board
members

R.S.O. 1970,
c. 118

389a.—(1) Notwithstanding the provisions of any general or special Act, the council of a municipality may pass by-laws for paying remuneration to a member of council or other person who has been appointed by the council to serve as a member of a local board, as defined in *The Municipal Affairs Act*, or of any other body, in respect of his services as a member of that board, or other body, and to a member of council who serves pursuant to this or any other general or special Act, as an *ex officio* member of such a local board or other body, and such remuneration may be determined in any manner that council deems advisable.

Interpre-
tation

(2) For the purposes of subsection 1 and sections 389b, 389d and 389e “other body” does not include a county, or a regional, district or metropolitan municipality or the County of Oxford.

Application of
s. 388 (2)

(3) Subsection 2 of section 388 applies with necessary modifications to a by-law passed under subsection 1 for paying remuneration to persons mentioned in that subsection.

Interpre-
tation

(4) In subsection 1, “local board” or “other body” does not include a public utilities commission or a hydro-electric commission.

Expenses of
council
members as
local board
members

389b. Notwithstanding the provisions of any general or special Act, the council of a municipality may provide by by-law for paying such expenses of persons mentioned in subsection 1 of section 389a as are actually incurred as a result of their acting in their capacity as members of the local board or other body and as are authorized by the by-law and subsection 2 of section 389 applies with necessary modifications to a by-law passed under this section.

Remunera-
tion or
expenses not
to be paid by
local board

389c. Notwithstanding the provisions of any general or special Act, no remuneration or expenses shall be paid by a local board to a person mentioned in subsection 1 of section 389a or subsection 1 of section 389e in respect of his membership on the local board.

of pursuing any matter in the interests of the municipality and "attendance at any place" means attendance by a member of council at a place for the purpose of pursuing any matter in the interests of the municipality whether or not any other person is present at such place.

(2) *Where a member of a council is paid remuneration under section 205, 211 or 389, such member is not entitled to payment under this section for attendance at meetings or at a place, referred to in clause a or b of subsection 1.*

(3) *In the case of a council of a county or a township, a by-law passed pursuant to clause a or b of subsection 1 may provide for the payment of such amount as is determined by council for each mile necessarily travelled in attending such meetings or at such place.*

(4) *The head of the council of a municipality may be paid for his services as a member of any public utility commission the same per diem rate as is determined by the council under clause a of subsection 1.*

389.—(1) *The council of a municipality may pass by-laws for paying the members of council such annual allowance as council may determine.*

(2) *The council of a municipality may pass by-laws for paying, in addition to the allowance paid under subsection 1, such annual allowance as council may determine to each chairman of a standing committee and to the chairman of the court of revision and of the local board of health.*

Section 388, as re-enacted, will permit councils to pay remuneration to council members as determined in any manner the council considers advisable.

Section 389, as re-enacted, permits councils to pay expenses of council members and of officers and servants of the municipality.

The new section 389*a* permits councils to pay remuneration to persons it appoints to local boards and to council members who serve *ex officio* on local boards (excluding public utility and hydro-electric commissions.)

The new section 389*b* permits councils to pay expenses of the persons mentioned in section 389*a*.

The new section 389*c* prohibits local boards from paying remuneration or expenses to those persons.

The new section 389*d* requires an annual statement of the municipal treasurer to be submitted to council showing the remuneration and expenses paid to each council member and other person and the statutory provisions under which they were paid.

The new section 389*e* permits agreement as to apportionment of the cost of payment and remuneration in respect of persons jointly appointed to a local board.

SECTION 23. Section 390 as it now reads permits a municipal council to provide group accident and group public liability insurance to members of council. As re-enacted that authority is extended to include members of a local board of the municipality.

389*d*.—(1) The treasurer of every municipality shall on or before the 28th day of February in each year submit to the council of the municipality an itemized statement of the remuneration and expenses paid to each member of council in respect of his services as a member of council or an officer of the municipal corporation in the preceding year and to each person mentioned in subsection 1 of section 389*a* in respect of his services as a member of the local board or other body in the preceding year.

Statement
by
treasurer

(2) A statement submitted under subsection 1 shall also indicate the by-law and the statutory provision under the authority of which the remuneration or expenses were paid.

Idem

389*e*.—(1) Where two or more municipalities are to be considered as one municipality for the purpose of appointing one or more persons as a member of a local board or other body, those municipalities may by agreement provide for determining and paying the remuneration and expenses of such persons and for apportioning the costs of the payment among each of them.

Agreement re
expenses

(2) Sections 389*a* and 389*b* apply with necessary modifications to the powers conferred on the two or more municipalities mentioned in subsection 1, and section 389*d* applies with necessary modifications to the treasurer of each of such two or more municipalities.

Application
of
ss. 389*a*, 389*b*,
389*d*

23. Section 390 of the said Act is repealed and the following substituted therefor:

s. 390.
re-enacted

390.—(1) The council of a municipality may pass by-laws for providing by contract with an insurer licensed under *The Insurance Act*,

Accident, etc.,
insurance re
members of
council and
local boards
R.S.O. 1970,
c. 224

- (a) group accident insurance to indemnify any member of council or of a local board of the municipality, or his estate, against loss in case he is accidentally killed or injured; and
- (b) group public liability and property damage insurance to indemnify any member of council or of a local board of the municipality, or his estate, in respect of loss or damage for which he has become liable by reason of injury to persons or property or in respect of loss or damage suffered by him by reason of injury to his own property,

while travelling on the business of the corporation or the local board or in the performance of his duties as a member

of council or of the local board either within or outside the municipality.

Idem

(2) Where a local board is composed of members appointed by the councils of two or more municipalities, each council shall have in respect of the members appointed by it all the powers for providing insurance for a member of a local board that are conferred on a council by subsection 1.

s. 391,
re-enacted

- 24.** Section 391 of the said Act is repealed and the following substituted therefor:

Remuneration and expenses for certain local board members
R.S.O. 1970,
c. 118

391. Notwithstanding any other general or special Act, a local board, as defined in *The Municipal Affairs Act*, of a municipality, may provide for the payment of such salary, expenses or allowances for the members thereof that do not come within the class of persons mentioned in subsection 1 of section 389a, as may be established by the council of the municipality or, where more than one municipality is concerned, by the council designated by the Ministry.

s. 394,
re-enacted

- 25.** Section 394 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 83, section 8, is repealed and the following substituted therefor:

Expenses for entertaining guests

394. Notwithstanding the provisions of any general or special Act, the council of any municipality may expend in any year such sum as it may determine for the reception or entertainment of persons of distinction or the celebration of events or matters of national or international interest or importance.

s. 413 (1),
re-enacted

- 26.** Subsection 1 of section 413 of the said Act is repealed and the following substituted therefor:

Assuming highway in adjacent municipality as a public highway or walk

(1) The council of a city or town may pass by-laws for assuming for the purpose of a public avenue or walk any highway in an adjacent local municipality and for acquiring so much land on either side of such highway as may be required to increase its width.

s. 457 (4) (c),
re-enacted

- 27.** Clause *c* of subsection 4 of section 457 of the said Act is repealed and the following substituted therefor:

(c) authorizing and regulating the planting, with the consent of the owner, of shade or ornamental trees adjacent to any highway at the expense of the municipality, and any tree planted under the authority of any such by-law is the property of the owner

SECTION 24. Section 391 of the Act now reads as follows:

391. *A local board, as defined in The Municipal Affairs Act, of a municipality, except school, planning and library boards, may provide for the payment of such salary, expenses or allowances for the members thereof as may be approved by the council of the municipality or, where more than one municipality is concerned, by the council designated by the Ministry.*

As re-enacted, the authority of local boards to pay remuneration is restricted to the payment of those members not mentioned in section 389a (that is, persons appointed by the council or council members who serve *ex officio* on the board.)

SECTION 25. The effect of the re-enactment is to drop from section 394 the authority to pay expenses of council members and employees of the municipality. That authority is now to be found in section 389 of the Act. See the Note to sections 21 and 22 of the Bill.

SECTION 26. The re-enactment deletes from the end of the subsection as it now reads the words "to not more than 100 feet".

SECTION 27. Clause *c* now limits the planting of such trees at the expense of the municipality to land within eight feet of any highway. The re-enactment drops that restriction.

SECTION 28. The new paragraph 10 permits the councils of all municipalities to designate bicycle lanes on highways, on similar terms as set out in paragraph 9 authorizing the designating of bus lanes. The new paragraph 11 requires publication of notice of council's intention to pass such a by-law under either paragraph 9 or 10, but the publication provision does not affect by-laws previously passed under paragraph 9.

SECTION 29. The effect of the new section 470c is to make applicable to municipal by-laws passed under any other Act the penalty and enforcement provisions set out in Part XXI of *The Municipal Act*.

SECTION 30. Subsection 2 of section 472 of the Act now sets the third Monday in January as the date of the first meeting of the trustees of a police village. The change to the second Tuesday in December reflects the change in the commencement of the term of office of the trustees from the 1st day of January to the 1st day of December as provided for by *The Municipal Elections Act, 1977*.

SECTION 31. Section 474 of the Act now reads as follows:

474. *Any trustee may be paid such annual or other remuneration as the trustees may determine.*

The effect of the re-enactment is to place the trustees of a police village on the same footing as municipal councils in respect of the payment of remuneration and expenses to the trustees.

of the land in which it is planted, and the municipality is not liable for maintenance or otherwise in respect of any tree so planted.

- 28.** Section 460 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 175, section 7, is further amended by adding thereto the following paragraphs: s. 460.
amended

10. For designating any lane on any road over which the municipality has jurisdiction as a lane solely or principally for use by bicycles and for prohibiting and regulating the use thereof by vehicles other than bicycles to such extent and for such period or periods as may be specified. Establishment of
bicycle lanes

11. Before passing a by-law under paragraph 9 or 10 for designating a lane on a road as a lane solely or principally for the use of public transit motor vehicles or bicycles, notice of the proposed by-law shall be published at least once a week for four successive weeks in a newspaper having general circulation in the municipality and the notice shall indicate the date and time of the meeting at which the council will consider the passing of the proposed by-law, Notice of
proposed
by-law

(a) this paragraph does not apply so as to affect the validity of a by-law heretofore passed under paragraph 9.

- 29.** The said Act is further amended by adding thereto the following section: s. 470c.
enacted

470c. This Part applies with necessary modifications to by-laws passed by the council of a municipality or by a board of commissioners of police under any other general or special Act except as otherwise provided in such Act. Application of
Part XXI

- 30.** Subsection 2 of section 472 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 121, section 16, is repealed and the following substituted therefor: s. 472(2).
re-enacted

(2) The first meeting of the trustees after the election shall be held at noon on a day not later than the second Tuesday in December. First meeting
of trustees

- 31.** Section 474 of the said Act is repealed and the following substituted therefor: s. 474.
re-enacted

474.—(1) Any trustee may be paid such remuneration or expenses as is provided by the trustees who shall have all the powers of a council of a municipality under sections 388 and 389. Remuneration

Application of
s. 389*d*

(2) Section 389*d* applies with necessary modifications to the trustees of a police village.

s. 487 (1),
amended

32.—(1) Subsection 1 of section 487 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 56, section 13, is further amended by striking out “and” at the end of clause *k* and by adding thereto the following clauses:

(*m*) fire or fire prevention, by paragraphs 29, 34, 35, 37, 39, 40 and 44 of subsection 1 of section 354;

(*n*) gunpowder by paragraph 9 of subsection 1 of section 354; and

(*o*) rubbish, refuse or debris, by paragraph 70 of subsection 1 of section 354, and paragraph 5 of section 460.

s. 487 (4),
repealed

(2) Subsection 4 of the said section 487 is repealed.

ss. 489-492,
repealed

33. Sections 489, 490, 491 and 492 of the said Act are repealed.

s. 493,
re-enacted

34. Section 493 of the said Act is repealed and the following substituted therefor:

Application of
s. 466

493. Section 466 applies with necessary modifications to by-laws passed under subsection 1 of section 487 by the trustees of a police village.

s. 495 (1),
re-enacted

35. Subsection 1 of section 495 of the said Act is repealed and the following substituted therefor:

Appointment
of
chairman
and
secretary

(1) At its first meeting in each year of its term, the board shall appoint one of its members to be the chairman and shall also appoint a secretary.

Commence-
ment

36. This Act comes into force on the day it receives Royal Assent.

Short title

37. The short title of this Act is *The Municipal Amendment Act, 1978*.

SECTION 32.—Subsection 1. The new clauses *m*, *n* and *o* to subsection 1 of section 487 of the Act confer power on the trustees of a police village to pass by-laws for fire prevention, to regulate the keeping of gun powder and to prohibit littering.

Subsection 2. The provision to be repealed now reads as follows:

- (4) *Where a by-law is passed under clause e of subsection 1, the maximum length or distance of sidewalks adjoining land occupied and used as farm lands for which the occupant or owner thereof may be required to clear away and remove snow and ice or be charged with the expense of such clearing away and removal shall be limited to 200 lineal feet notwithstanding that a greater length or distance of sidewalks may adjoin such land, and the clearing away and removal of snow and ice from such greater length or distance shall be undertaken by the trustees at the expense of the police village.*

The by-law referred to is one that may be passed by the trustees of a police village requiring owners of adjoining land to clear snow from sidewalks, and the subsection limits to 200 feet the length of sidewalk the owner may be made responsible for clearing.

SECTION 33. Of the sections being repealed, sections 489, 490 and 491 prohibit, in police villages, certain kinds of activities and they are designed to aid in fire prevention, regulate the keeping and sale of gun powder and prevent littering. These matters will be governed in the future by by-laws of the trustees. See the Note to section 32 (1) of the Bill

Section 492 imposes a duty on the trustees to see that sections 489, 490 and 491 are not contravened.

SECTION 34. The effect is to make the fine and recovery provisions that apply to municipal council by-laws apply also to the by-laws of the trustees of a police village.

SECTION 35. The effect is to provide that the board of trustees of a police village are to appoint a chairman at the first meeting of each year of its term rather than at the first meeting in each year. The amendment is consequent on the change in the commencement date of a board's term of office from the 1st day of January to the 1st day of December as provided for in *The Municipal Elections Act, 1977*.

An Act to amend
The Municipal Act

1st Reading

May 11th, 1978

2nd Reading

3rd Reading

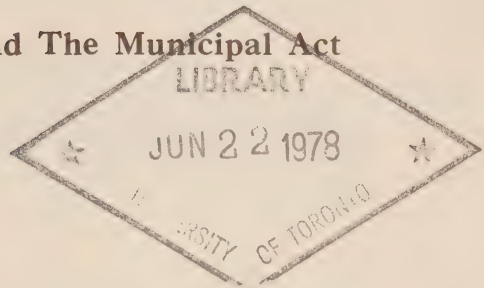
THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

CH24W
XB
-B56

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Municipal Act



THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The effect of the re-enactment is to define "Minister" as the Minister of Housing for the purposes of section 361 of the Act. See the Note to section 18 of the Bill.

SECTION 2. The Board referred to is the Board of Management of an inter-urban area. Subsection 22 of section 24 now reads as follows:

(22) *The first meeting of the Board of Management shall be held at the time and place fixed by the order of the Municipal Board and each year thereafter the first meeting of the Board shall be held not later than the second Monday in January and the day and the hour for holding the meeting shall be fixed by by-law.*

The change in the date of the first meeting reflects the change in the date of the commencement of the term of office of such a Board from the 1st day of January to the 1st day of December, as provided for by *The Municipal Elections Act, 1977*.

SECTION 3. Sections 27a and 27b of the Act provide authority for a county council to, by by-law, vary the composition of the county council. The subsection to be added sets a time limit after which such a by-law may not be passed in an election year.

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 13a of section 1 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 124, section 1, and amended by 1973, chapter 175, section 1, and 1976, chapter 51, section 1, is repealed and the following substituted therefor: s. 1, par. 13a.
re-enacted

13a. "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs, except that in sections 361, 443, 450 and 461 "Minister" means the Minister of Housing.

2. Subsection 22 of section 24 of the said Act is repealed and the following substituted therefor: s. 24 (22).
re-enacted

(22) The first meeting of the Board of Management shall be held at the time and place fixed by the order of the Municipal Board and thereafter the first meeting of the Board after a regular election shall be held not later than the second Tuesday in December, and the day and the hour for holding the meeting shall be fixed by by-law. Meetings

3. Section 27b of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 83, section 1, is amended by adding thereto the following subsection: s. 27b.
amended

(4) A by-law for any of the purposes mentioned in subsection 1 of this section or subsection 1 of section 27a or a by-law repealing any such by-law shall, in an election year, be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*. Time for
passing
by-law
1977, c. 62

s. 28 (4),
re-enacted

- 4.—(1) Subsection 4 of section 28 of the said Act is repealed and the following substituted therefor:

When and
how by-law
to be passed

(4) A by-law for any of the purposes mentioned in subsections 1 and 2 and a by-law repealing any such by-law shall, in an election year, be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*, and such by-law shall not be passed unless it has received the assent of the municipal electors.

1977, c. 62

s. 28 (6),
re-enacted

- (2) Subsection 6 of the said section 28 is repealed and the following substituted therefor:

Submission
of by-law
on petition
of electors

(6) Subject to subsections 3 and 7, where the petition of at least one-fifth of the municipal electors is presented praying for the passing of a by-law repealing a by-law for the purpose mentioned in clause *c* of subsection 1, or where a petition of not less than 400 electors is presented praying for the passing of a by-law for the purpose mentioned in subsection 2, or for the repeal of a by-law passed under that subsection, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing municipal election and if the voting is in favour of the change shall without delay pass a by-law in accordance with the prayer of the petition.

Time for
presentation
of petition

(7) A petition for any of the purposes mentioned in subsection 6 shall, in an election year, be presented not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*.

s. 30 (5),
re-enacted

- 5.—(1) Subsection 5 of section 30 of the said Act is repealed and the following substituted therefor:

Time for
passing
by-laws;
assent of
electors

(5) A by-law passed under section 29 or under subsection 2 or 3 of this section, and a by-law repealing any such by-law shall, in an election year, be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*, and such by-law shall not be passed unless it has received the assent of the municipal electors.

s. 30 (7, 8),
re-enacted

- (2) Subsections 7 and 8 of the said section 30 are repealed and the following substituted therefor:

SECTION 4. Similar in intent to section 3 of the Bill. The by-law referred to is one to vary the composition of the council of a city. The time limit now set out for passing a by-law or the presentation of a petition is the 1st day of November.

SECTIONS 5 AND 6. Similar in intent to section 4 of the Bill, and applicable to by-laws varying the composition of the councils of towns, both in unorganized territory and in counties, and in villages and townships. The present deadline is, as with cities, the 1st day of November.

(7) Subject to subsections 4 and 9, where a petition of not less than one-fifth of the municipal electors is presented praying for the passing of a by-law for any of the purposes mentioned in this section or for repealing any such by-law, except a by-law reducing the number of councillors to two for each ward, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing municipal election and if the voting is in favour of the proposed change shall without delay pass a by-law in accordance with the prayer of the petition.

Submission
of question
on petition
of electors

(8) Subject to subsections 4 and 9, where a by-law has been passed for reducing the number of councillors to two for each ward, the council, upon the petition of not less than 100 resident municipal electors shall submit the question of repealing the by-law to a vote of the electors at the next ensuing municipal election and if the voting is in favour of the repeal shall without delay pass a by-law in accordance with the prayer of the petition.

Submission
of question
of repeal

(9) A petition presented under subsection 7 or 8 shall, in an election year, be presented not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*.

Time for
presentation
of petition

1977, c. 62

6.—(1) Subsection 3 of section 32 of the said Act is repealed and the following substituted therefor:

s. 32 (3),
re-enacted

(3) A by-law for the purpose mentioned in subsection 2 and a by-law repealing any such by-law shall, in an election year, be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*, and such by-law shall take effect at and for the purpose of the municipal election next after the passing of it.

Time for
passing
by-law

(2) Subsection 8 of the said section 32 is repealed and the following substituted therefor:

s. 32 (8),
re-enacted

(8) A by-law for the purpose mentioned in subsection 6 and a by-law repealing any such by-law shall, in an election year, be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*, and such by-law shall not be passed until it has received the assent of the municipal electors.

Time for
passing,
assent of
electors

s. 35.
re-enacted

7. Section 35 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 51, section 2, is repealed and the following substituted therefor:

Qualification
of
candidates

35. Every person is qualified to hold office as a member of a council of a local municipality,

1977, c. 62

(a) who is entitled to be an elector under section 12 or 13 of *The Municipal Elections Act, 1977* for the election of members of the council; and

(b) who is not disqualified by this or any other Act from holding such office.

s. 44.
amended

8. Section 44 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 121, section 11, is amended by adding thereto the following subsection:

Method of
conducting
lot

(6) For the purposes of subsection 5, "lot" means the method of determining the candidate to be excluded or the candidate to fill the vacancy, as the case may be, by placing the names of the candidates on equal size pieces of paper placed in a box and one name being drawn by a person chosen by the clerk.

s. 184 (1),
re-enacted

- 9.—(1) Subsection 1 of section 184 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 169, section 4, is repealed and the following substituted therefor:

First
meeting of
council,
local
municipality

(1) The first meeting of the council of a local municipality after a regular election shall be held not later than the second Tuesday in December, and the meeting shall be held at 11 o'clock in the forenoon or at such hour as may be fixed by by-law.

s. 184 (2),
re-enacted

- (2) Subsection 2 of the said section 184 is repealed and the following substituted therefor:

county

(2) The first meeting of the council of a county after a regular election shall be held after the councils of the municipalities that form part of the county for municipal purposes have held their first meetings under subsection but in any event not later than the third Tuesday in December, and the meeting shall be held at 2 o'clock in the afternoon or at such hour as may be fixed by by-law.

s. 186 (1),
re-enacted

10. Subsection 1 of section 186 of the said Act is repealed and the following substituted therefor:

SECTION 7. Section 35 of the Act now reads as follows:

35. *Every person is qualified to hold office as a member of a council of a local municipality,*

(a) whose name is entered on the polling list of electors for election of members of the council or who is entitled to have his name entered on such list by virtue of possessing, on or before nomination day, a certificate issued to him under section 31 of The Municipal Elections Act, 1972; and

(b) who is not disqualified by this or any other Act from holding such office.

The change in clause *a* is necessary as under *The Municipal Elections Act, 1977* the polling list may not have been prepared by the time nomination papers may be filed.

SECTION 8. Section 44 of the Act deals with appointments to vacancies on a council. Subsection 5 now reads as follows:

(5) Where the votes cast in a vote under this section are equal for all the candidates,

(a) if there are three or more candidates nominated or remaining, the clerk shall by lot select one such candidate to be excluded from the subsequent voting; or

(b) if only two candidates remain the tie shall be broken and the vacancy shall be filled by the candidate selected by lot conducted by the clerk.

The method of conducting the "lot" set out in the new subsection 6 is the same as that set out in *The Municipal Elections Act, 1977*.

SECTION 9. Subsections 1 and 2 of section 184 of the Act now read as follows:

(1) The first meeting of the council of a local municipality after a regular election, shall be held on the second Monday in January at 11 o'clock in the forenoon or at such hour as may be fixed by by-law, or on such day prior to the second Monday in January and at such hour as may be fixed by by-law.

(2) The first meeting of the council of a county shall be held on the third Tuesday in January at 2 o'clock in the afternoon or at such hour as may be fixed by by-law, or on such day prior to the third Tuesday in January and at such hour as may be fixed by by-law.

The change in the first meeting dates of councils of local municipalities and counties is made necessary by the change in the commencement date of the term of office of municipal councils from the 1st day of January to the 1st day of December, provided for by *The Municipal Elections Act, 1977*.

SECTION 10. Subsection 1 of section 186 of the Act now reads as follows:

(1) In each year at the first meeting of a county council at which a majority of all the members is present, they shall organize as a council and elect one of the members to be warden.

The re-enactment reflects the change in the date of the commencement of the term of office of municipal councils; the county warden will continue to hold office for one year only.

SECTION 11. The amendment is complementary to the changes proposed in the Bill dealing with the payment of remuneration to members of council. See the Notes to sections 21 and 22 of the Bill.

SECTION 12. The sections to be repealed provide authority to pay salaries to members of boards of control and to the head of council, respectively. They will be replaced by the provisions proposed by the Bill respecting remuneration of council members. See the Notes to sections 21 and 22 of the Bill.

SECTION 13. The section to be repealed provides for the making of certain returns by municipal clerks to the Ministry and reads as follows:

217.—(1) *The clerk of every municipality shall in each year within the time prescribed by the Ministry make a return to the Ministry on forms provided by it of such information and statistics with respect to the financial affairs, accounts and transactions of the municipality as the Ministry may prescribe, and every such return shall be transmitted by registered mail.*

(2) *For every contravention of this section, the clerk is guilty of an offence and on summary conviction is liable to a fine of not more than \$40.*

(3) *The Ministry shall cause to be prepared annually a tabulated statement of the returns which shall be laid before the Assembly.*

The requirement is felt to be redundant in the light of similar returns required to be made by municipal treasurers under section 223 of the Act.

SECTION 14. The new section 242b permits a council to authorize hearings to be held by a committee rather than by the full council in those cases where a hearing is required by law to be afforded to interested parties before the council does an act or passes a by-law.

(1) The council of a county shall, in each year of its term at its first meeting at which a majority of all the members is present, elect one of the members to be warden.

Warden.
election

11. Section 198 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 48, section 3, is repealed and the following substituted therefor:

s. 198.
re-enacted

198. No member of a council shall vote on any by-law appointing him to any office in the gift of the council or fixing or providing his remuneration for any service to the corporation, but this does not apply to a by-law for paying remuneration passed under section 388 or 389a.

Prohibition
as to
member
voting to
appoint
himself to
office, etc.

12. Sections 205 and 211 of the said Act are repealed.

ss. 205, 211,
repealed

13. Section 217 of the said Act is repealed.

s. 217,
repealed

14. The said Act is amended by adding thereto the following section:

s. 242b.
enacted

242b.—(1) Where the council of a municipality is required by law to hear interested parties or to afford them an opportunity to be heard before doing any act, passing a by-law, or making a decision, the council may provide by by-law for a committee of the council to hear such parties or afford them an opportunity to be heard in the place and stead of the council, and, where a hearing is conducted or an opportunity to be heard is afforded by a committee under such a by-law in respect of any matter, the council may do the act, pass the by-law, or make the decision in respect of which the hearing was held or the opportunity for a hearing afforded without being required to hold a hearing or afford an opportunity for a hearing in respect of such matter.

Hearings
by
committee
authorized

(2) Upon the conclusion of a hearing conducted by a committee under a by-law passed pursuant to subsection 1, the committee shall as soon as practicable make a written report to the council summarizing the evidence and arguments presented by the parties, the findings of fact made by the committee and the recommendations, if any, of the committee with reasons therefor on the merits of the application in respect of which the hearing has been conducted.

Report by
committee

(3) After considering the report of the committee, the council may thereupon in respect of such application do any act, pass any by-law or make any decision that it might have done, passed or made had it conducted the hearing itself.

Authority of
council

Application
of
1971, c. 47

(4) Where a committee conducts a hearing in respect of any matter pursuant to a by-law passed under this section, the provisions of sections 5 to 15 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* shall be deemed to apply to the committee and to the hearing conducted by it and those sections, except for section 24, do not apply to the council in the exercise of its power of decision in respect of such matter.

s. 336,
amended

15. Section 336 of the said Act is amended by adding thereto the following subsection:

Use of lands
owned by
corporation

(6) The council of every corporation may pass by-laws providing for the use by the public of lands of which the corporation is the owner and for the regulation of such use and the protection of such lands.

s. 352,
par. 60,
amended

16.—(1) Paragraph 60 of section 352 of the said Act is amended by inserting after “thereof” in the fourth line “or of any works under, over, along, across or upon such highway or portion thereof”.

s. 352,
amended

(2) The said section 352 is amended by adding thereto the following paragraphs:

Liability
insurance;
payment of
damages, etc.

67a. For contracting for insurance to protect the employees of the municipality or any local board thereof, or any class of such employees, against risks that may involve liability on the part of such employees or class thereof and for paying premiums therefor or for paying any damages or costs awarded against any such employees or class thereof or expenses incurred by them as a result of any action or other proceeding arising out of acts or omissions done or made by them in their capacity as employees including while acting in the performance of any statutory duty imposed by any general or special Act or for paying any sum required in connection with the settlement of such an action or other proceeding and for assuming the cost of defending any such person in such an action or other proceeding.

Interpre-
tation

(a) In this paragraph,

(i) “employee” means any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board and includes a member of the police force of the municipality and any person or class of person designated as an employee by the Minister;

(ii) “local board” means a local board as defined in *The Municipal Affairs Act*.

SECTION 15. The new subsection 6 of section 336 of the Act permits councils to pass by-laws relating to the use by the public of lands owned by the municipal corporation.

SECTION 16.—Subsection 1. Paragraph 60 of section 352 of the Act permits the temporary closing of highways for the purposes of repair, etc. The words added will make it clear that a highway may be so closed if works under, over, across or along the highway require repair.

Subsection 2. The new paragraph 67*a* permits municipalities to insure or otherwise protect its employees or the employees of its local boards from liability arising out of acts performed in their capacity as employees.

The new paragraph 71*a* empowers municipalities to establish bicycle paths. Note that the power to acquire land for this purpose does not include the power to expropriate.

Subsection 3. Paragraph 74 of section 352 of the Act permits, *inter alia*, the erection of monuments on a highway if the approval of the Municipal Board is obtained and if the highway is at least sixty-six feet in width. The re-enactment removes those two requirements.

SECTION 17.—Subsection 1. Clause *a* is new and defines “private roadway” for the purposes of the paragraph. There is no other change made by the re-enactment.

- (b) A local board has the same powers to provide insurance for or to make payments to or on behalf of its employees as are conferred upon the council of a municipality under this paragraph in respect of its employees. Local boards

71a. For establishing, laying out and maintaining bicycle paths and for regulating the use thereof and for acquiring land for such purposes and for entering into agreements with other municipalities, including a regional, district or metropolitan municipality, or with the Crown in right of Ontario or the Crown in right of Canada, or with any person or any other body for the use of land for such purposes. Bicycle paths

- (a) The power to acquire land under this paragraph does not include the power to enter on and appropriate land.

(3) Clause *b* of paragraph 74 of the said section 352 is repealed and the following substituted therefor: s. 352,
par. 74 (b),
re-enacted

- (b) The council may authorize the erection of any such monument in any highway over which the corporation has jurisdiction.

17.—(1) Paragraph 45a of subsection 1 of section 354 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 136, section 15, is repealed and the following substituted therefor: s. 354 (1),
par. 45a,
re-enacted

45a. Notwithstanding paragraph 112, for designating private roadways as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle or vehicles parked or left along any fire route so designated at the expense of the owner thereof. Designating
fire routes
and pro-
hibiting
parking
thereon

- (a) For the purposes of this paragraph, “private roadway” means any private road, lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot.

- (b) Clause *a* of paragraph 107 applies to penalties provided by a by-law passed under this paragraph.

- (c) Subsection 13 of section 116 of *The Highway Traffic Act* applies to a by-law passed under this paragraph. R.S.O. 1970,
c. 202

- (d) The driver of a motor vehicle, not being the owner, is liable to any penalty provided in a by-law passed under this paragraph and the owner of the motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.

s. 354 (1),
par. 95,
re-enacted

- (2) Paragraph 95 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Projections

95. For permitting window air-conditioners, cornices, eaves, awning containers, awning covers, sills, brackets and other similar projections beyond the main walls of buildings to encroach upon a highway at such height above the grade thereof as established by council as the council may provide in the by-law.

s. 354 (1),
par. 123,
re-enacted

- (3) Paragraph 123 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Pits and
quarries

123. For regulating the operation of pits and quarries within the municipality and for requiring the owners of pits and quarries that are located within such distance of a road as is specified in the by-law and that have not been in operation for a period of twelve consecutive months to level and grade the floor and sides thereof and such area beyond their edge or rim as is specified in the by-law so that they will not be dangerous or unsightly to the public.

s. 361,
amended

- 18.** Section 361 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 69, section 11, is further amended by adding thereto the following subsections:

Designa-
tion of
enlarged
improvement
area

(17a) The council of a local municipality may pass by-laws for designating as an improvement area an area that includes all of an existing improvement area designated under subsection 1.

Application of
subss. 2-5

(17b) Subsections 2, 3, 4 and 5 apply with necessary modifications to the passing of a by-law under subsection 17a.

When by-law
comes into
effect

(17c) Subject to subsection 18, a by-law passed under subsection 17a comes into effect on the 1st day of January next after its passing.

Board of
Management
continued

(17d) Where a by-law passed under subsection 17a comes into effect, the existing improvement area mentioned in that subsection is dissolved, but the Board of Management estab-

Subsection 2. The paragraph now provides any such projection permitted must be at least eight feet above grade; the re-enactment drops that requirement.

Subsection 3. Paragraph 123 of subsection 1 of section 354 of the Act now reads as follows:

123. For regulating the operation of pits and quarries within the municipality and for requiring the owners of pits and quarries that are located within 300 feet of a road and that have not been in operation for a period of twelve consecutive months to level and grade the floor and sides thereof and the area within 300 feet of their edge or rim so that they will not be dangerous or unsightly to the public.

The re-enactment drops the references to 300 feet.

SECTION 18. The effect of the addition of new subsections 17a to 17e is to permit a municipality to enlarge an existing improvement area without having to dissolve the existing Board of Management of the area.

The new subsection 20 authorizes the Minister of Housing to make loans or grants to a municipality for the purposes mentioned.

Paragraph 72 of section 352 permits the establishment of municipal parking lots.

SECTIONS 19 AND 20. The two provisions to be repealed permit by-laws to be passed by counties and by townships in unorganized territory, respectively, to require sleighs used on highways to have runners apart at the bottom at least four feet.

SECTIONS 21 AND 22. Sections 388 and 389 of the Act providing for the payment of remuneration and allowances to members of councils now read as follows:

388.—(1) *The council of a municipality may pass by-laws,*

- (a) *for paying the members of council for attendance at meetings of council or of its committees such per diem rate as the council may determine;*
- (b) *for paying the members of council such per diem rate as council may determine for attendance, when such attendance is authorized by resolution of council, at meetings or at any place, whether held or located within or outside the boundaries of the municipality, other than meetings of any body in respect of which the members of council are paid remuneration pursuant to clause a or pursuant to any other provision of this Act or any other general or special Act.*
 - 1. *A by-law passed pursuant to this clause may define a class or classes of meetings or attendances at a place in respect of which a per diem rate may be paid and may authorize payment of a per diem rate only in respect of such class or classes of meetings or attendances.*
 - 2. *For the purpose of this clause, "attendance at meetings" includes attendance by a member of council at any place to meet with one or more other persons for the purpose*

lished for that improvement area is continued and shall be the Board of Management for the new improvement area designated under the by-law.

(17e) The provisions of this section that apply to a Board of Management under subsection 1 or to a council or municipal auditor in respect of such a Board apply with necessary modifications to a Board of Management continued under subsection 17*d* and to the council of a local municipality in respect of such a Board over which it has jurisdiction and to the auditor of the municipality in respect of such Board.

Application

(20) The Minister and a local municipality may enter into agreements for the provision of loans or grants to the municipality on such terms or conditions as are agreed upon for the purpose of the improvement, beautification and maintenance of municipally owned lands, buildings and structures in the municipality or in any defined area thereof and for the purposes mentioned in paragraph 72 of section 352.

Minister of Housing may enter into agreements

19. Paragraph 7 of section 373 of the said Act is repealed.

s. 373,
par. 7,
repealed

20. Section 374 of the said Act is repealed.

s. 374,
repealed

21. Section 388 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 48, section 7, is repealed and the following substituted therefor:

s. 388,
re-enacted

388.—(1) Notwithstanding the provisions of any general or special Act, the council of a municipality may pass by-laws for paying remuneration to the members of council, and such remuneration may be determined in any manner that council considers advisable.

Remuneration of councillors

(2) The remuneration to be paid may be determined in different manners and be of different amounts for different members of council.

Idem

22. Section 389 of the said Act is repealed and the following substituted therefor:

s. 389,
re-enacted

389.—(1) Notwithstanding the provisions of any general or special Act, the council of a municipality may provide by by-law for paying in whole or in part such expenses of the members of council and of the officers and servants of the municipality as are actually incurred as a result of their acting either within or outside the municipality in their capacity

Expenses

as members of council or officers of the municipal corporation or as officers or servants of the municipality and as are authorized by the by-law.

Maximum
amounts

(2) A by-law passed under subsection 1 may set maximum amounts or rates that may be paid in respect of any expense for which payment is authorized by the by-law.

Remunera-
tion of
council
members
as local board
members

R.S.O. 1970,
c. 118

389a.—(1) Notwithstanding the provisions of any general or special Act, the council of a municipality may pass by-laws for paying remuneration to a member of council or other person who has been appointed by the council to serve as a member of a local board, as defined in *The Municipal Affairs Act*, or of any other body, in respect of his services as a member of that board, or other body, and to a member of council who serves pursuant to this or any other general or special Act, as an *ex officio* member of such a local board or other body, and such remuneration may be determined in any manner that council deems advisable.

Interpre-
tation

(2) For the purposes of subsection 1 and sections 389b, 389d and 389e “other body” does not include a county, or a regional, district or metropolitan municipality or the County of Oxford.

Application of
s. 388 (2)

(3) Subsection 2 of section 388 applies with necessary modifications to a by-law passed under subsection 1 for paying remuneration to persons mentioned in that subsection.

Interpre-
tation

(4) In subsection 1, “local board” or “other body” does not include a public utilities commission or a hydro-electric commission.

Expenses of
council
members as
local board
members

389b. Notwithstanding the provisions of any general or special Act, the council of a municipality may provide by by-law for paying such expenses of persons mentioned in subsection 1 of section 389a as are actually incurred as a result of their acting in their capacity as members of the local board or other body and as are authorized by the by-law and subsection 2 of section 389 applies with necessary modifications to a by-law passed under this section.

Remunera-
tion or
expenses not
to be paid by
local board

389c. Notwithstanding the provisions of any general or special Act, no remuneration or expenses shall be paid by a local board to a person mentioned in subsection 1 of section 389a or subsection 1 of section 389e in respect of his membership on the local board.

of pursuing any matter in the interests of the municipality and "attendance at any place" means attendance by a member of council at a place for the purpose of pursuing any matter in the interests of the municipality whether or not any other person is present at such place.

- (2) *Where a member of a council is paid remuneration under section 205, 211 or 389, such member is not entitled to payment under this section for attendance at meetings or at a place, referred to in clause a or b of subsection 1.*
 - (3) *In the case of a council of a county or a township, a by-law passed pursuant to clause a or b of subsection 1 may provide for the payment of such amount as is determined by council for each mile necessarily travelled in attending such meetings or at such place.*
 - (4) *The head of the council of a municipality may be paid for his services as a member of any public utility commission the same per diem rate as is determined by the council under clause a of subsection 1.*
- 389.—(1) *The council of a municipality may pass by-laws for paying the members of council such annual allowance as council may determine.*
- (2) *The council of a municipality may pass by-laws for paying, in addition to the allowance paid under subsection 1, such annual allowance as council may determine to each chairman of a standing committee and to the chairman of the court of revision and of the local board of health.*

Section 388, as re-enacted, will permit councils to pay remuneration to council members as determined in any manner the council considers advisable.

Section 389, as re-enacted, permits councils to pay expenses of council members and of officers and servants of the municipality.

The new section 389*a* permits councils to pay remuneration to persons it appoints to local boards and to council members who serve *ex officio* on local boards (excluding public utility and hydro-electric commissions.)

The new section 389*b* permits councils to pay expenses of the persons mentioned in section 389*a*.

The new section 389*c* prohibits local boards from paying remuneration or expenses to those persons.

The new section 389*d* requires an annual statement of the municipal treasurer to be submitted to council showing the remuneration and expenses paid to each council member and other person and the statutory provisions under which they were paid.

The new section 389*e* permits agreement as to apportionment of the cost of payment and remuneration in respect of persons jointly appointed to a local board.

SECTION 23. Section 390 as it now reads permits a municipal council to provide group accident and group public liability insurance to members of council. As re-enacted that authority is extended to include members of a local board of the municipality.

389*d*.—(1) The treasurer of every municipality shall on or before the 28th day of February in each year submit to the council of the municipality an itemized statement of the remuneration and expenses paid to each member of council in respect of his services as a member of council or an officer of the municipal corporation in the preceding year and to each person mentioned in subsection 1 of section 389*a* in respect of his services as a member of the local board or other body in the preceding year.

Statement
by
treasurer

(2) A statement submitted under subsection 1 shall also indicate the by-law and the statutory provision under the authority of which the remuneration or expenses were paid.

Idem

389*e*.—(1) Where two or more municipalities are to be considered as one municipality for the purpose of appointing one or more persons as a member of a local board or other body, those municipalities may by agreement provide for determining and paying the remuneration and expenses of such persons and for apportioning the costs of the payment among each of them.

Agreement re
expenses

(2) Sections 389*a* and 389*b* apply with necessary modifications to the powers conferred on the two or more municipalities mentioned in subsection 1, and section 389*d* applies with necessary modifications to the treasurer of each of such two or more municipalities.

Application
of
ss. 389*a*, 389*b*,
389*d*

23. Section 390 of the said Act is repealed and the following substituted therefor:

s. 390.
re-enacted

390.—(1) The council of a municipality may pass by-laws for providing by contract with an insurer licensed under *The Insurance Act*,

Accident, etc.,
insurance re
members of
council and
local boards
R.S.O. 1970,
c. 224

- (a) group accident insurance to indemnify any member of council or of a local board of the municipality, or his estate, against loss in case he is accidentally killed or injured; and
- (b) group public liability and property damage insurance to indemnify any member of council or of a local board of the municipality, or his estate, in respect of loss or damage for which he has become liable by reason of injury to persons or property or in respect of loss or damage suffered by him by reason of injury to his own property,

while travelling on the business of the corporation or the local board or in the performance of his duties as a member

of council or of the local board either within or outside the municipality.

Idem

(2) Where a local board is composed of members appointed by the councils of two or more municipalities, each council shall have in respect of the members appointed by it all the powers for providing insurance for a member of a local board that are conferred on a council by subsection 1.

s. 391,
re-enacted

- 24.** Section 391 of the said Act is repealed and the following substituted therefor:

Remuneration and expenses for certain local board members
R.S.O. 1970, c. 118

391. Notwithstanding any other general or special Act, a local board, as defined in *The Municipal Affairs Act*, of a municipality, may provide for the payment of such salary, expenses or allowances for the members thereof that do not come within the class of persons mentioned in subsection 1 of section 389a, as may be established by the council of the municipality or, where more than one municipality is concerned, by the council designated by the Ministry.

s. 394,
re-enacted

- 25.** Section 394 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 83, section 8, is repealed and the following substituted therefor:

Expenses for entertaining guests

394. Notwithstanding the provisions of any general or special Act, the council of any municipality may expend in any year such sum as it may determine for the reception or entertainment of persons of distinction or the celebration of events or matters of national or international interest or importance.

s. 413 (1),
re-enacted

- 26.** Subsection 1 of section 413 of the said Act is repealed and the following substituted therefor:

Assuming highway in adjacent municipality as a public highway or walk

(1) The council of a local municipality may pass by-laws for assuming for the purpose of a public avenue or walk any highway in an adjacent local municipality and for acquiring so much land on either side of such highway as may be required to increase its width.

s. 457 (4) (c),
re-enacted

- 27.** Clause *c* of subsection 4 of section 457 of the said Act is repealed and the following substituted therefor:

(c) authorizing and regulating the planting, with the consent of the owner, of shade or ornamental trees adjacent to any highway at the expense of the municipality, and any tree planted under the authority of any such by-law is the property of the owner

SECTION 24. Section 391 of the Act now reads as follows:

391. A local board, as defined in The Municipal Affairs Act, of a municipality, except school, planning and library boards, may provide for the payment of such salary, expenses or allowances for the members thereof as may be approved by the council of the municipality or, where more than one municipality is concerned, by the council designated by the Ministry.

As re-enacted, the authority of local boards to pay remuneration is restricted to the payment of those members not mentioned in section 389*a* (that is, persons appointed by the council or council members who serve *ex officio* on the board.)

SECTION 25. The effect of the re-enactment is to drop from section 394 the authority to pay expenses of council members and employees of the municipality. That authority is now to be found in section 389 of the Act. See the Note to sections 21 and 22 of the Bill.

SECTION 26. The re-enactment deletes from the end of the subsection as it now reads the words "to not more than 100 feet".

SECTION 27. Clause *c* now limits the planting of such trees at the expense of the municipality to land within eight feet of any highway. The re-enactment drops that restriction.


SECTION 28.—Subsection 1. The amendment is to make it clear that municipal regulation of the use of designated bus lanes on a highway must not conflict with *The Highway Traffic Act* or the regulations thereunder.

Subsection 2. The new paragraph 10 permits the councils of all municipalities to designate bicycle lanes on highways, on similar terms as set out in paragraph 9 authorizing the designating of bus lanes. The new paragraph 11 requires publication of notice of council's intention to pass such a by-law under either paragraph 9 or 10, but the publication provision does not affect by-laws previously passed under paragraph 9.

SECTION 29. The effect of the new section 470c is to make applicable to municipal by-laws passed under any other Act the penalty and enforcement provisions set out in Part XXI of *The Municipal Act*.

SECTION 30. Subsection 2 of section 472 of the Act now sets the third Monday in January as the date of the first meeting of the trustees of a police village. The change to the second Tuesday in December reflects the change in the commencement of the term of office of the trustees from the 1st day of January to the 1st day of December as provided for by *The Municipal Elections Act, 1977*.

of the land in which it is planted, and the municipality is not liable for maintenance or otherwise in respect of any tree so planted.


 **28.**—(1) Paragraph 9 of section 460 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 175, section 7, is amended by inserting after “specified” in the sixth line “provided such regulation is not in conflict with *The Highway Traffic Act* and the regulations thereunder”. s. 460,
par. 9,
amended

R.S.O. 1970,
c. 202

(2) The said section 460 is amended by adding thereto the following paragraphs: s. 460,
amended

10. For designating any lane on any road over which the municipality has jurisdiction as a lane solely or principally for use by bicycles and for prohibiting and regulating the use thereof by vehicles other than bicycles to such extent and for such period or periods as may be specified, provided such regulation is not in conflict with *The Highway Traffic Act* and the regulations thereunder. Establish-
ment of
bicycle lanes

11. Before passing a by-law under paragraph 9 or 10 for designating a lane on a road as a lane solely or principally for the use of public transit motor vehicles or bicycles, notice of the proposed by-law shall be published at least once a week for four successive weeks in a newspaper having general circulation in the municipality and the notice shall indicate the date and time of the meeting at which the council will consider the passing of the proposed by-law. Notice of
proposed
by-law

(a) This paragraph does not apply so as to affect the validity of a by-law heretofore passed under paragraph 9. 

29. The said Act is further amended by adding thereto the following section: s. 470c,
enacted

470c. This Part applies with necessary modifications to by-laws passed by the council of a municipality or by a board of commissioners of police under any other general or special Act except as otherwise provided in such Act. Application of
Part XXI

30. Subsection 2 of section 472 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 121, section 16, is repealed and the following substituted therefor: s. 472 (2),
re-enacted

(2) The first meeting of the trustees after the election shall be held at noon on a day not later than the second Tuesday in December. First meeting
of trustees

s. 474.
re-enacted

31. Section 474 of the said Act is repealed and the following substituted therefor:

Remunera-
tion

474.—(1) Any trustee may be paid such remuneration or expenses as is provided by the trustees who shall have all the powers of a council of a municipality under sections 388 and 389.

Application of
s. 389*d*

(2) Section 389*d* applies with necessary modifications to the trustees of a police village.

s. 487 (1).
amended

32.—(1) Subsection 1 of section 487 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 56, section 13, is further amended by striking out “and” at the end of clause *k* and by adding thereto the following clauses:

(*m*) fire or fire prevention, by paragraphs 29, 34, 35, 37, 39, 40 and 44 of subsection 1 of section 354;

(*n*) gunpowder by paragraph 9 of subsection 1 of section 354; and

(*o*) rubbish, refuse or debris, by paragraph 70 of subsection 1 of section 354, and paragraph 5 of section 460.

s. 487 (4).
repealed

(2) Subsection 4 of the said section 487 is repealed.

ss. 489-492.
repealed

33. Sections 489, 490, 491 and 492 of the said Act are repealed.

s. 493.
re-enacted

34. Section 493 of the said Act is repealed and the following substituted therefor:

Application of
s. 466

493. Section 466 applies with necessary modifications to by-laws passed under subsection 1 of section 487 by the trustees of a police village.

s. 495 (1).
re-enacted

35. Subsection 1 of section 495 of the said Act is repealed and the following substituted therefor:

Appointment
of
chairman
and
secretary

(1) At its first meeting in each year of its term, the board shall appoint one of its members to be the chairman and shall also appoint a secretary.

Commence-
ment

36. This Act comes into force on the day it receives Royal Assent.

Short title

37. The short title of this Act is *The Municipal Amendment Act, 1978.*

SECTION 31. Section 474 of the Act now reads as follows:

474. Any trustee may be paid such annual or other remuneration as the trustees may determine.

The effect of the re-enactment is to place the trustees of a police village on the same footing as municipal councils in respect of the payment of remuneration and expenses to the trustees.

SECTION 32.—Subsection 1. The new clauses *m*, *n* and *o* to subsection 1 of section 487 of the Act confer power on the trustees of a police village to pass by-laws for fire prevention, to regulate the keeping of gun powder and to prohibit littering.

Subsection 2. The provision to be repealed now reads as follows:

(4) Where a by-law is passed under clause e of subsection 1, the maximum length or distance of sidewalks adjoining land occupied and used as farm lands for which the occupant or owner thereof may be required to clear away and remove snow and ice or be charged with the expense of such clearing away and removal shall be limited to 200 lineal feet notwithstanding that a greater length or distance of sidewalks may adjoin such land, and the clearing away and removal of snow and ice from such greater length or distance shall be undertaken by the trustees at the expense of the police village.

The by-law referred to is one that may be passed by the trustees of a police village requiring owners of adjoining land to clear snow from sidewalks, and the subsection limits to 200 feet the length of sidewalk the owner may be made responsible for clearing.

SECTION 33. Of the sections being repealed, sections 489, 490 and 491 prohibit, in police villages, certain kinds of activities and they are designed to aid in fire prevention, regulate the keeping and sale of gun powder and prevent littering. These matters will be governed in the future by by-laws of the trustees. See the Note to section 32 (1) of the Bill

Section 492 imposes a duty on the trustees to see that sections 489, 490 and 491 are not contravened.

SECTION 34. The effect is to make the fine and recovery provisions that apply to municipal council by-laws apply also to the by-laws of the trustees of a police village.

SECTION 35. The effect is to provide that the board of trustees of a police village are to appoint a chairman at the first meeting of each year of its term rather than at the first meeting in each year. The amendment is consequent on the change in the commencement date of a board's term of office from the 1st day of January to the 1st day of December as provided for in *The Municipal Elections Act, 1977*.

An Act to amend
The Municipal Act

1st Reading

May 11th, 1978

2nd Reading

May 30th, 1978

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

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B56
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BILL 80

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Municipal Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs





An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 13a of section 1 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 124, section 1, and amended by 1973, chapter 175, section 1, and 1976, chapter 51, section 1, is repealed and the following substituted therefor:

s. 1, par. 13a.
re-enacted

13a. "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs, except that in sections 361, 443, 450 and 461 "Minister" means the Minister of Housing.

2. Subsection 22 of section 24 of the said Act is repealed and the following substituted therefor:

s. 24 (22),
re-enacted

(22) The first meeting of the Board of Management shall be held at the time and place fixed by the order of the Municipal Board and thereafter the first meeting of the Board after a regular election shall be held not later than the second Tuesday in December, and the day and the hour for holding the meeting shall be fixed by by-law.

Meetings

3. Section 27b of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 83, section 1, is amended by adding thereto the following subsection:

s. 27b.
amended

(4) A by-law for any of the purposes mentioned in subsection 1 of this section or subsection 1 of section 27a or a by-law repealing any such by-law shall, in an election year, be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act*, 1977.

Time for
passing
by-law
1977, c. 62

s. 28 (4),
re-enacted

- 4.—(1) Subsection 4 of section 28 of the said Act is repealed and the following substituted therefor:

When and
how by-law
to be passed

(4) A by-law for any of the purposes mentioned in subsections 1 and 2 and a by-law repealing any such by-law shall, in an election year, be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*, and such by-law shall not be passed unless it has received the assent of the municipal electors.

1977, c. 62

s. 28 (6),
re-enacted

- (2) Subsection 6 of the said section 28 is repealed and the following substituted therefor:

Submission
of by-law
on petition
of electors

(6) Subject to subsections 3 and 7, where the petition of at least one-fifth of the municipal electors is presented praying for the passing of a by-law repealing a by-law for the purpose mentioned in clause *c* of subsection 1, or where a petition of not less than 400 electors is presented praying for the passing of a by-law for the purpose mentioned in subsection 2, or for the repeal of a by-law passed under that subsection, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing municipal election and if the voting is in favour of the change shall without delay pass a by-law in accordance with the prayer of the petition.

Time for
presentation
of petition

(7) A petition for any of the purposes mentioned in subsection 6 shall, in an election year, be presented not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*.

s. 30 (5),
re-enacted

- 5.—(1) Subsection 5 of section 30 of the said Act is repealed and the following substituted therefor:

Time for
passing
by-laws;
assent of
electors

(5) A by-law passed under section 29 or under subsection 2 or 3 of this section, and a by-law repealing any such by-law shall, in an election year, be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*, and such by-law shall not be passed unless it has received the assent of the municipal electors.

s. 30 (7, 8),
re-enacted

- (2) Subsections 7 and 8 of the said section 30 are repealed and the following substituted therefor:

(7) Subject to subsections 4 and 9, where a petition of not less than one-fifth of the municipal electors is presented praying for the passing of a by-law for any of the purposes mentioned in this section or for repealing any such by-law, except a by-law reducing the number of councillors to two for each ward, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing municipal election and if the voting is in favour of the proposed change shall without delay pass a by-law in accordance with the prayer of the petition.

Submission
of question
on petition
of electors

(8) Subject to subsections 4 and 9, where a by-law has been passed for reducing the number of councillors to two for each ward, the council, upon the petition of not less than 100 resident municipal electors shall submit the question of repealing the by-law to a vote of the electors at the next ensuing municipal election and if the voting is in favour of the repeal shall without delay pass a by-law in accordance with the prayer of the petition.

Submission
of question
of repeal

(9) A petition presented under subsection 7 or 8 shall, in an election year, be presented not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*.

Time for
presentation
of petition

1977, c. 62

6.—(1) Subsection 3 of section 32 of the said Act is repealed and the following substituted therefor:

s. 32 (3),
re-enacted

(3) A by-law for the purpose mentioned in subsection 2 and a by-law repealing any such by-law shall, in an election year, be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*, and such by-law shall take effect at and for the purpose of the municipal election next after the passing of it.

Time for
passing
by-law

(2) Subsection 8 of the said section 32 is repealed and the following substituted therefor:

s. 32 (8),
re-enacted

(8) A by-law for the purpose mentioned in subsection 6 and a by-law repealing any such by-law shall, in an election year, be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*, and such by-law shall not be passed until it has received the assent of the municipal electors.

Time for
passing,
assent of
electors

s. 35,
re-enacted

7. Section 35 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 51, section 2, is repealed and the following substituted therefor:

Qualification
of
candidates

35. Every person is qualified to hold office as a member of a council of a local municipality,

1977, c. 62

(a) who is entitled to be an elector under section 12 or 13 of *The Municipal Elections Act, 1977* for the election of members of the council; and

(b) who is not disqualified by this or any other Act from holding such office.

s. 44,
amended

8. Section 44 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 121, section 11, is amended by adding thereto the following subsection:

Method of
conducting
lot

(6) For the purposes of subsection 5, "lot" means the method of determining the candidate to be excluded or the candidate to fill the vacancy, as the case may be, by placing the names of the candidates on equal size pieces of paper placed in a box and one name being drawn by a person chosen by the clerk.

s. 184 (1),
re-enacted

- 9.—(1) Subsection 1 of section 184 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 169, section 4, is repealed and the following substituted therefor:

First
meeting of
council,
local
municipality

(1) The first meeting of the council of a local municipality after a regular election shall be held not later than the second Tuesday in December, and the meeting shall be held at 11 o'clock in the forenoon or at such hour as may be fixed by by-law.

s. 184 (2),
re-enacted

- (2) Subsection 2 of the said section 184 is repealed and the following substituted therefor:

county

(2) The first meeting of the council of a county after a regular election shall be held after the councils of the municipalities that form part of the county for municipal purposes have held their first meetings under subsection but in any event not later than the third Tuesday in December, and the meeting shall be held at 2 o'clock in the afternoon or at such hour as may be fixed by by-law.

s. 186 (1),
re-enacted

10. Subsection 1 of section 186 of the said Act is repealed and the following substituted therefor:

(1) The council of a county shall, in each year of its term at its first meeting at which a majority of all the members is present, elect one of the members to be warden. Warden, election

- 11.** Section 198 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 48, section 3, is repealed and the following substituted therefor: s. 198, re-enacted

198. No member of a council shall vote on any by-law appointing him to any office in the gift of the council or fixing or providing his remuneration for any service to the corporation, but this does not apply to a by-law for paying remuneration passed under section 388 or 389a. Prohibition as to member voting to appoint himself to office, etc.

- 12.** Sections 205 and 211 of the said Act are repealed. ss. 205, 211, repealed

- 13.** Section 217 of the said Act is repealed. s. 217, repealed

- 14.** The said Act is amended by adding thereto the following section: s. 242b, enacted

242b.—(1) Where the council of a municipality is required by law to hear interested parties or to afford them an opportunity to be heard before doing any act, passing a by-law, or making a decision, the council may provide by by-law for a committee of the council to hear such parties or afford them an opportunity to be heard in the place and stead of the council, and, where a hearing is conducted or an opportunity to be heard is afforded by a committee under such a by-law in respect of any matter, the council may do the act, pass the by-law, or make the decision in respect of which the hearing was held or the opportunity for a hearing afforded without being required to hold a hearing or afford an opportunity for a hearing in respect of such matter. Hearings by committee authorized

(2) Upon the conclusion of a hearing conducted by a committee under a by-law passed pursuant to subsection 1, the committee shall as soon as practicable make a written report to the council summarizing the evidence and arguments presented by the parties, the findings of fact made by the committee and the recommendations, if any, of the committee with reasons therefor on the merits of the application in respect of which the hearing has been conducted. Report by committee

(3) After considering the report of the committee, the council may thereupon in respect of such application do any act, pass any by-law or make any decision that it might have done, passed or made had it conducted the hearing itself. Authority of council

Application
of
1971, c. 47

(4) Where a committee conducts a hearing in respect of any matter pursuant to a by-law passed under this section, the provisions of sections 5 to 15 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* shall be deemed to apply to the committee and to the hearing conducted by it and those sections, except for section 24, do not apply to the council in the exercise of its power of decision in respect of such matter.

s. 336,
amended

15. Section 336 of the said Act is amended by adding thereto the following subsection:

Use of lands
owned by
corporation

(6) The council of every corporation may pass by-laws providing for the use by the public of lands of which the corporation is the owner and for the regulation of such use and the protection of such lands.

s. 352,
par. 60,
amended

16.—(1) Paragraph 60 of section 352 of the said Act is amended by inserting after “thereof” in the fourth line “or of any works under, over, along, across or upon such highway or portion thereof”.

s. 352,
amended

(2) The said section 352 is amended by adding thereto the following paragraphs:

Liability
insurance;
payment of
damages, etc.

67a. For contracting for insurance to protect the employees of the municipality or any local board thereof, or any class of such employees, against risks that may involve liability on the part of such employees or class thereof and for paying premiums therefor or for paying any damages or costs awarded against any such employees or class thereof or expenses incurred by them as a result of any action or other proceeding arising out of acts or omissions done or made by them in their capacity as employees including while acting in the performance of any statutory duty imposed by any general or special Act or for paying any sum required in connection with the settlement of such an action or other proceeding and for assuming the cost of defending any such person in such an action or other proceeding.

Interpre-
tation

(a) In this paragraph,

(i) “employee” means any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board and includes a member of the police force of the municipality and any person or class of person designated as an employee by the Minister;

(ii) “local board” means a local board as defined in *The Municipal Affairs Act*.

- (b) A local board has the same powers to provide insurance for or to make payments to or on behalf of its employees as are conferred upon the council of a municipality under this paragraph in respect of its employees. Local boards

71a. For establishing, laying out and maintaining bicycle paths and for regulating the use thereof and for acquiring land for such purposes and for entering into agreements with other municipalities, including a regional, district or metropolitan municipality, or with the Crown in right of Ontario or the Crown in right of Canada, or with any person or any other body for the use of land for such purposes. Bicycle paths

- (a) The power to acquire land under this paragraph does not include the power to enter on and appropriate land.
- (3) Clause *b* of paragraph 74 of the said section 352 is repealed and the following substituted therefor: s. 352,
par. 74 (b),
re-enacted
- (b) The council may authorize the erection of any such monument in any highway over which the corporation has jurisdiction.

- 17.—(1) Paragraph 45a of subsection 1 of section 354 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 136, section 15, is repealed and the following substituted therefor: s. 354 (1),
par. 45a,
re-enacted

45a. Notwithstanding paragraph 112, for designating private roadways as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle or vehicles parked or left along any fire route so designated at the expense of the owner thereof. Designating
fire routes
and pro-
hibiting
parking
thereon

- (a) For the purposes of this paragraph, "private roadway" means any private road, lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot.
- (b) Clause *a* of paragraph 107 applies to penalties provided by a by-law passed under this paragraph.
- (c) Subsection 13 of section 116 of *The Highway Traffic Act* applies to a by-law passed under this paragraph. R.S.O. 1970,
c. 202

- (d) The driver of a motor vehicle, not being the owner, is liable to any penalty provided in a by-law, passed under this paragraph and the owner of the motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.

s. 354 (1),
par. 95,
re-enacted

- (2) Paragraph 95 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Projections

95. For permitting window air-conditioners, cornices, eaves, awning containers, awning covers, sills, brackets and other similar projections beyond the main walls of buildings to encroach upon a highway at such height above the grade thereof as established by council as the council may provide in the by-law.

s. 354 (1),
par. 123,
re-enacted

- (3) Paragraph 123 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Pits and
quarries

123. For regulating the operation of pits and quarries within the municipality and for requiring the owners of pits and quarries that are located within such distance of a road as is specified in the by-law and that have not been in operation for a period of twelve consecutive months to level and grade the floor and sides thereof and such area beyond their edge or rim as is specified in the by-law so that they will not be dangerous or unsightly to the public.

s. 361,
amended

- 18.** Section 361 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 69, section 11, is further amended by adding thereto the following subsections:

Designa-
tion of
enlarged
improvement
area

(17a) The council of a local municipality may pass by-laws for designating as an improvement area an area that includes all of an existing improvement area designated under subsection 1.

Application of
subss. 2-5

(17b) Subsections 2, 3, 4 and 5 apply with necessary modifications to the passing of a by-law under subsection 17a.

When by-law
comes into
effect

(17c) Subject to subsection 18, a by-law passed under subsection 17a comes into effect on the 1st day of January next after its passing.

Board of
Management
continued

(17d) Where a by-law passed under subsection 17a comes into effect, the existing improvement area mentioned in that subsection is dissolved, but the Board of Management estab-

lished for that improvement area is continued and shall be the Board of Management for the new improvement area designated under the by-law.

(17*e*) The provisions of this section that apply to a Board of Management under subsection 1 or to a council or municipal auditor in respect of such a Board apply with necessary modifications to a Board of Management continued under subsection 17*d* and to the council of a local municipality in respect of such a Board over which it has jurisdiction and to the auditor of the municipality in respect of such Board. Application

(20) The Minister and a local municipality may enter into agreements for the provision of loans or grants to the municipality on such terms or conditions as are agreed upon for the purpose of the improvement, beautification and maintenance of municipally owned lands, buildings and structures in the municipality or in any defined area thereof and for the purposes mentioned in paragraph 72 of section 352. Minister of Housing may enter into agreements

19. Paragraph 7 of section 373 of the said Act is repealed.

s. 373.
par. 7.
repealed

20. Section 374 of the said Act is repealed.

s. 374.
repealed

21. Section 388 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 48, section 7, is repealed and the following substituted therefor:

s. 388.
re-enacted

388.—(1) Notwithstanding the provisions of any general or special Act, the council of a municipality may pass by-laws for paying remuneration to the members of council, and such remuneration may be determined in any manner that council considers advisable. Remuneration of councillors

(2) The remuneration to be paid may be determined in different manners and be of different amounts for different members of council. Idem

22. Section 389 of the said Act is repealed and the following substituted therefor:

s. 389.
re-enacted

389.—(1) Notwithstanding the provisions of any general or special Act, the council of a municipality may provide by by-law for paying in whole or in part such expenses of the members of council and of the officers and servants of the municipality as are actually incurred as a result of their acting either within or outside the municipality in their capacity Expenses

as members of council or officers of the municipal corporation or as officers or servants of the municipality and as are authorized by the by-law.

Maximum
amounts

(2) A by-law passed under subsection 1 may set maximum amounts or rates that may be paid in respect of any expense for which payment is authorized by the by-law.

Remunera-
tion of
council
members
as local board
members

R.S.O. 1970.
c. 118

389a.—(1) Notwithstanding the provisions of any general or special Act, the council of a municipality may pass by-laws for paying remuneration to a member of council or other person who has been appointed by the council to serve as a member of a local board, as defined in *The Municipal Affairs Act*, or of any other body, in respect of his services as a member of that board, or other body, and to a member of council who serves pursuant to this or any other general or special Act, as an *ex officio* member of such a local board or other body, and such remuneration may be determined in any manner that council deems advisable.

Interpre-
tation

(2) For the purposes of subsection 1 and sections 389b, 389d and 389e “other body” does not include a county, or a regional, district or metropolitan municipality or the County of Oxford.

Application of
s. 388 (2)

(3) Subsection 2 of section 388 applies with necessary modifications to a by-law passed under subsection 1 for paying remuneration to persons mentioned in that subsection.

Interpre-
tation

(4) In subsection 1, “local board” or “other body” does not include a public utilities commission or a hydro-electric commission.

Expenses of
council
members as
local board
members

389b. Notwithstanding the provisions of any general or special Act, the council of a municipality may provide by-law for paying such expenses of persons mentioned in subsection 1 of section 389a as are actually incurred as a result of their acting in their capacity as members of the local board or other body and as are authorized by the by-law and subsection 2 of section 389 applies with necessary modifications to a by-law passed under this section.

Remunera-
tion or
expenses not
to be paid by
local board

389c. Notwithstanding the provisions of any general or special Act, no remuneration or expenses shall be paid by a local board to a person mentioned in subsection 1 of section 389a or subsection 1 of section 389e in respect of his membership on the local board.

389*d*.—(1) The treasurer of every municipality shall on or before the 28th day of February in each year submit to the council of the municipality an itemized statement of the remuneration and expenses paid to each member of council in respect of his services as a member of council or an officer of the municipal corporation in the preceding year and to each person mentioned in subsection 1 of section 389*a* in respect of his services as a member of the local board or other body in the preceding year.

Statement
by
treasurer

(2) A statement submitted under subsection 1 shall also indicate the by-law and the statutory provision under the authority of which the remuneration or expenses were paid.

Idem

389*e*.—(1) Where two or more municipalities are to be considered as one municipality for the purpose of appointing one or more persons as a member of a local board or other body, those municipalities may by agreement provide for determining and paying the remuneration and expenses of such persons and for apportioning the costs of the payment among each of them.

Agreement re
expenses

(2) Sections 389*a* and 389*b* apply with necessary modifications to the powers conferred on the two or more municipalities mentioned in subsection 1, and section 389*d* applies with necessary modifications to the treasurer of each of such two or more municipalities.

Application
of
ss. 389*a*, 389*b*,
389*d*

23. Section 390 of the said Act is repealed and the following substituted therefor:

s. 390.
re-enacted

390.—(1) The council of a municipality may pass by-laws for providing by contract with an insurer licensed under *The Insurance Act*,

Accident, etc.,
insurance re
members of
council and
local boards
R.S.O. 1970,
c. 224

- (a) group accident insurance to indemnify any member of council or of a local board of the municipality, or his estate, against loss in case he is accidentally killed or injured; and
- (b) group public liability and property damage insurance to indemnify any member of council or of a local board of the municipality, or his estate, in respect of loss or damage for which he has become liable by reason of injury to persons or property or in respect of loss or damage suffered by him by reason of injury to his own property,

while travelling on the business of the corporation or the local board or in the performance of his duties as a member

of council or of the local board either within or outside the municipality.

Idem

(2) Where a local board is composed of members appointed by the councils of two or more municipalities, each council shall have in respect of the members appointed by it all the powers for providing insurance for a member of a local board that are conferred on a council by subsection 1.

s. 391,
re-enacted

- 24.** Section 391 of the said Act is repealed and the following substituted therefor:

Remuneration and expenses for certain local board members
R.S.O. 1970,
c. 118

391. Notwithstanding any other general or special Act, a local board, as defined in *The Municipal Affairs Act*, of a municipality, may provide for the payment of such salary, expenses or allowances for the members thereof that do not come within the class of persons mentioned in subsection 1 of section 389a, as may be established by the council of the municipality or, where more than one municipality is concerned, by the council designated by the Ministry.

s. 394,
re-enacted

- 25.** Section 394 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 83, section 8, is repealed and the following substituted therefor:

Expenses for entertaining guests

394. Notwithstanding the provisions of any general or special Act, the council of any municipality may expend in any year such sum as it may determine for the reception or entertainment of persons of distinction or the celebration of events or matters of national or international interest or importance.

s. 413 (1),
re-enacted

- 26.** Subsection 1 of section 413 of the said Act is repealed and the following substituted therefor:

Assuming highway in adjacent municipality as a public highway or walk

(1) The council of a local municipality may pass by-laws for assuming for the purpose of a public avenue or walk any highway in an adjacent local municipality and for acquiring so much land on either side of such highway as may be required to increase its width.

s. 457 (4) (c),
re-enacted

- 27.** Clause *c* of subsection 4 of section 457 of the said Act is repealed and the following substituted therefor:

(c) authorizing and regulating the planting, with the consent of the owner, of shade or ornamental trees adjacent to any highway at the expense of the municipality, and any tree planted under the authority of any such by-law is the property of the owner

of the land in which it is planted, and the municipality is not liable for maintenance or otherwise in respect of any tree so planted.

28.—(1) Paragraph 9 of section 460 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 175, section 7, is amended by inserting after “specified” in the sixth line “provided such regulation is not in conflict with *The Highway Traffic Act* and the regulations thereunder”. s. 460,
par. 9,
amended
R.S.O. 1970,
c. 202

(2) The said section 460 is amended by adding thereto the following paragraphs: s. 460,
amended

10. For designating any lane on any road over which the municipality has jurisdiction as a lane solely or principally for use by bicycles and for prohibiting and regulating the use thereof by vehicles other than bicycles to such extent and for such period or periods as may be specified, provided such regulation is not in conflict with *The Highway Traffic Act* and the regulations thereunder. Establish-
ment of
bicycle lanes

11. Before passing a by-law under paragraph 9 or 10 for designating a lane on a road as a lane solely or principally for the use of public transit motor vehicles or bicycles, notice of the proposed by-law shall be published at least once a week for four successive weeks in a newspaper having general circulation in the municipality and the notice shall indicate the date and time of the meeting at which the council will consider the passing of the proposed by-law. Notice of
proposed
by-law

(a) This paragraph does not apply so as to affect the validity of a by-law heretofore passed under paragraph 9.

29. The said Act is further amended by adding thereto the following section: s. 470c,
enacted

470c. This Part applies with necessary modifications to by-laws passed by the council of a municipality or by a board of commissioners of police under any other general or special Act except as otherwise provided in such Act. Application of
Part XXI

30. Subsection 2 of section 472 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 121, section 16, is repealed and the following substituted therefor: s. 472 (2),
re-enacted

(2) The first meeting of the trustees after the election shall be held at noon on a day not later than the second Tuesday in December. First meeting
of trustees

s. 474,
re-enacted

- 31.** Section 474 of the said Act is repealed and the following substituted therefor:

Remunera-
tion

474.—(1) Any trustee may be paid such remuneration or expenses as is provided by the trustees who shall have all the powers of a council of a municipality under sections 388 and 389.

Application of
s. 389*d*

(2) Section 389*d* applies with necessary modifications to the trustees of a police village.

s. 487 (1),
amended

- 32.**—(1) Subsection 1 of section 487 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 56, section 13, is further amended by striking out “and” at the end of clause *k* and by adding thereto the following clauses:

(*m*) fire or fire prevention, by paragraphs 29, 34, 35, 37, 39, 40 and 44 of subsection 1 of section 354;

(*n*) gunpowder by paragraph 9 of subsection 1 of section 354; and

(*o*) rubbish, refuse or debris, by paragraph 70 of subsection 1 of section 354, and paragraph 5 of section 460.

s. 487 (4),
repealed

(2) Subsection 4 of the said section 487 is repealed.

ss. 489-492,
repealed

- 33.** Sections 489, 490, 491 and 492 of the said Act are repealed.

s. 493,
re-enacted

- 34.** Section 493 of the said Act is repealed and the following substituted therefor:

Application of
s. 466

493. Section 466 applies with necessary modifications to by-laws passed under subsection 1 of section 487 by the trustees of a police village.

s. 495 (1),
re-enacted

- 35.** Subsection 1 of section 495 of the said Act is repealed and the following substituted therefor:

Appointment
of
chairman
and
secretary

(1) At its first meeting in each year of its term, the board shall appoint one of its members to be the chairman and shall also appoint a secretary.

Commence-
ment

- 36.** This Act comes into force on the day it receives Royal Assent.

Short title

- 37.** The short title of this Act is *The Municipal Amendment Act, 1978*.

An Act to amend
The Municipal Act

1st Reading

May 11th, 1978

2nd Reading

May 30th, 1978

3rd Reading

June 13th, 1978

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

B 56

30
BILL 81

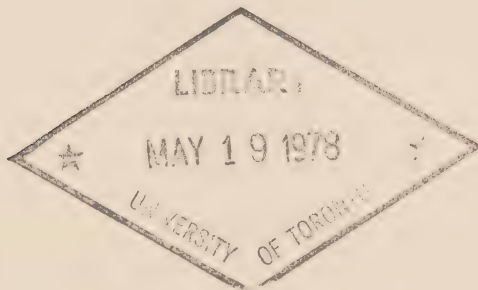
Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978



**An Act to amend certain Acts respecting
Regional Municipalities**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

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EXPLANATORY NOTES

GENERAL

The Bill amends ten of the Acts that establish various regional municipalities and is divided into the following Parts:

- PART I — Ottawa-Carleton (ss. 1-13).
- PART II — Niagara (ss. 14-26).
- PART III — York (ss. 27-43).
- PART IV — Waterloo (ss. 44-56).
- PART V — Sudbury (ss. 57-67).
- PART VI — Peel (ss. 68-79).
- PART VII — Halton (ss. 80-92).
- PART VIII — Hamilton-Wentworth (ss. 93-105).
- PART IX — Durham (ss. 106-116).
- PART X — Haldimand-Norfolk (ss. 117-126).

The following six numbered paragraphs describe amendments that are common to all ten of the regional municipalities.

1. *Sections 1, 15, 30, 45, 58, 68, 80, 94, 106, 117.*

The effect of the re-enactment of the two subsections is to make it clear that the term of office of the chairman corresponds to the term of office of the council.

2. *Sections 2, 16, 31, 46, 59, 69, 81, 95, 107, 118.*

The amendments change the date of the first meetings of the area councils and the Regional Councils, following a regular election, from not later than the 8th day of January and the 15th day of January, respectively, to the dates set out in the re-enactment of the two subsections.

The amendments thus reflect the change in the commencement of the term of office of municipal councils from the 1st day of January to the 1st day of December, as set out in *The Municipal Elections Act, 1977*.

3. *Sections 3, 4, 5, 7, 10, 17, 18, 22, 33, 34, 47, 48, 60, 61, 70, 71, 75, 82, 83, 96, 97, 101, 108, 109, 114, 119, 120, 123.*

The provisions to be repealed provide for the payment of remuneration to council members and local board members and will be replaced by the amendments made by sections 6, 19, 35, 49, 62, 72, 84, 98, 110 and 121 of the Bill making applicable to the regional municipalities those sections of *The Municipal Act* dealing generally with the payment of remuneration and expenses of members of councils and local boards.

4. Sections 6, 19, 35, 49, 62, 72, 84, 98, 110, 121.

See the Note in paragraph 3. The effect of the re-enactment is to make applicable to the regional municipalities the provisions of *The Municipal Act* that provide generally for the payment of remuneration and expenses to members of councils and local boards.

5. Sections 8, 21, 38, 52, 63, 74, 86, 100, 111, 122.

Regional Councils perform the functions of a planning board for the regional planning areas. The amendments provide that where a Regional Council meets in respect of matters pertaining to planning, no separate meeting of the Council as a planning board is required.

6. Sections 11, 25, 42, 55, 66, 78, 91, 104, 115, 126.

The effect of the amendments is to add the following provisions of *The Municipal Act* as being applicable to the Regional Corporations: section 242b, paragraphs 67a and 71a of section 352 and paragraph 10 of section 460. These are new provisions added to *The Municipal Act* by *The Municipal Amendment Act, 1978* and provide, respectively, authority for authorizing hearings by a committee rather than the full council, providing liability insurance for employees, establishing bicycle paths and designating bicycle lanes on highways.

The next two numbered paragraphs relate to all the regional municipalities with the exception of Ottawa-Carleton which does not have a regional police force.

7. Sections 24, 41, 54, 65, 77, 90, 103, 113, 125.

The effect of the re-enactment is to make applicable to the area municipalities the provision of *The Police Act* that authorizes the appointment of by-law enforcement officers.

8. Sections 23, 40, 53, 64, 76, 89, 102, 112, 124.

The sections being re-enacted now prohibit the payment of remuneration to members of a police commission who are also members of the Regional Council. The re-enactment removes that prohibition and such members will be able to receive remuneration under the general sections of *The Municipal Act* respecting remuneration made applicable to the regional municipalities. (See the Note in paragraph 4).

The following amendment relates to all of the regional municipalities with the exception of Sudbury, Durham and Haldimand-Norfolk.

Sections 9, 20, 37, 51, 73, 85, 99.

In these regional municipalities each area municipality is constituted a subsidiary planning area. The amendments are to make it clear that the area municipality is the designated municipality within the meaning of *The Planning Act* and is thus the authority to adopt and forward to the Minister of Housing for approval the official plan for the subsidiary planning area it constitutes.

The following amendment relates to the regional municipalities of York and Halton.

Sections 39 and 87.

These sections provide, respectively, for the dissolution of the York Regional Board of Health and the Halton Regional Board of Health together with the Regional Area health units: in each case the Regional Corporation through the Regional Council will exercise the powers of a local board of health throughout the Regional Area.

The following amendment relates to the regional municipalities of Niagara and York.

Sections 14, 28.

In each case the section being repealed provided for elections in 1972 and various other matters now governed by *The Municipal Elections Act, 1977*. The provisions are accordingly either spent or superseded.

The following amendment relates to the regional municipalities of Waterloo, Sudbury and Hamilton-Wentworth.

Sections 44, 57, 93.

In the regional municipalities of Waterloo and Hamilton-Wentworth certain of the area municipalities elect members of the area council to serve on the Regional Council. They are now required to do so at the first meeting in each year that follows an election. The amendments reflect the change in the commencement of the term of office of municipal councils provided for by *The Municipal Elections Act, 1977*. They will be required to elect their members at the first meeting following a regular election.

In the case of The Regional Municipality of Sudbury the provision is repealed since by reason of amendments made in 1974 no area councils now elect members to serve on the Regional Council.

The following sections of the Bill apply only to the regional municipality specifically mentioned.

Section 12.

In The Regional Municipality of Ottawa-Carleton, the time for dividing an area municipality into polling subdivisions and informing the assessment commissioner is extended, for those municipalities who have failed to do so by the April 1st deadline set out in *The Municipal Elections Act, 1977*, to the 1st day of July. In addition, in the case of those area municipalities who have authorized the use of voting recorders, the limitation of 350 electors as the number who may be included in one polling subdivision is removed.

Sections 27, 29, 32.

These amendments apply to The Regional Municipality of York. The effect of section 27 is to increase the size of the Town of Markham council by one, from nine members to ten members, and to increase Markham's representation on the Regional Council from three members to four members (including the mayor). The amendment made by section 29 is consequential; the size of the Regional Council is increased from seventeen members to

eighteen members, four of whom (including the mayor) will be representatives of the Town of Markham. Section 32 increases the size of a quorum of the Regional Council from nine members to ten members.

Section 36.

This amendment applies to The Regional Municipality of York. Subsection 2 of section 35 of the Regional Act, as re-enacted, drops from the end thereof the words "and no area municipality shall enter into any such contract with any municipality". The new subsection 2*a* permits an area municipality, subject to the approval of the Regional Council, to enter into contracts in respect of land drainage, as set out in the subsection.

Section 50.

This amendment applies to The Regional Municipality of Waterloo and empowers the Regional Council to authorize the Regional Corporation to enter into agreements respecting regional roads in the manner set out in the new section 81*a*.

Section 88.

This section applies to The Regional Municipality of Halton and deems the Regional Corporation to be a municipality for the purposes of *The Elderly Persons Centres Act*.

BILL 81

1978

An Act to amend certain Acts respecting Regional Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

- 1.—(1) Subsection 2 of section 4 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 138, section 2, is repealed and the following substituted therefor: s. 4 (2),
re-enacted

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of
chairman

- (2) Subsection 5 of the said section 4, as amended by the Statutes of Ontario, 1973, chapter 138, section 2, is repealed and the following substituted therefor: s. 4 (5),
re-enacted

(5) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure
to elect
chairman

s. 8 (2, 3),
re-enacted

2. Subsections 2 and 3 of section 8 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 138, section 4, are repealed and the following substituted therefor:

First
meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 12,
repealed

3. Section 12 of the said Act is repealed.

s. 13 (3),
repealed

4. Subsection 3 of section 13 of the said Act is repealed.

s. 14 (2),
repealed

5. Subsection 2 of section 14 of the said Act is repealed.

s. 18 (1),
re-enacted

6. Subsection 1 of section 18 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e and 390 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 67b (4),
repealed

7. Subsection 4 of section 67b of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 126, section 14, is repealed.

s. 69 (5),
re-enacted

8. Subsection 5 of section 69 of the said Act is repealed and the following substituted therefor:

Regional
Corpora-
tion deemed
muni-
cipality under
R.S.O. 1970,
c. 349

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12a of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

9. The said Act is amended by adding thereto the following section: s. 69b.
enacted

69b. The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Ottawa-Carleton Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes. Designated municipality
R.S.O. 1970,
c. 349

10. Subsection 2 of section 77 of the said Act is repealed. s. 77 (2).
repealed

11. Subsection 1 of section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 6, is repealed and the following substituted therefor: s. 124 (1).
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 242b, 248a, 249 and 254, subsection 3 of section 308, section 333, paragraphs 3, 10, 11, 12, 24, 41, 67a and 71a of section 352, sections 391 and 394 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of
R.S.O. 1970,
c. 284

- 12.—(1) Where in the year 1978 an area municipality has not complied with section 17 of *The Municipal Elections Act, 1977*, the clerk of the area municipality shall divide the municipality into polling subdivisions and shall, not later than the 1st day of July, 1978, inform the assessment commissioner of the boundaries of each subdivision. Polling subdivisions
1977, c. 62

(2) Notwithstanding clause a of section 18 of *The Municipal Elections Act, 1977*, where in 1976 an area municipality authorized the use of voting recorders at the municipal elections held in that year, the clerk of the area municipality may for the purposes of the municipal elections to be held in 1978 divide the municipality into polling subdivisions that contain more than 350 electors. Size of polling subdivisions

- 13.—(1) This Part, except section 8, comes into force on the day this Act receives Royal Assent. Commencement

(2) Section 8 shall be deemed to have come into force on the 1st day of January, 1969. Idem

PART II

THE REGIONAL MUNICIPALITY OF NIAGARA

14. Section 4 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is repealed. s. 4.
repealed

s. 7 (3),
re-enacted .

15.—(1) Subsection 3 of section 7 of the said Act is repealed and the following substituted therefor:

Election of
chairman

(3) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 19 shall preside until the chairman is elected.

s. 7 (5),
re-enacted

(2) subsection 5 of the said section 7 is repealed and the following substituted therefor:

Failure
to elect
chairman

(5) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act.

s. 9 (2,3),
re-enacted

16. Subsections 2 and 3 of section 9 of the said Act are repealed and the following substituted therefor:

First
meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 13,
repealed

17. Section 13 of the said Act is repealed.

s. 14 (2),
repealed

18. Subsection 2 of section 14 of the said Act is repealed.

s. 18 (1),
re-enacted

19. Subsection 1 of section 18 of the said Act is repealed and the following substituted therefor:

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1970, c. 284

- 20.** Subsection 2 of section 91 of the said Act is repealed and the following substituted therefor: s. 91 (2), re-enacted

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Niagara Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes. Designated municipality R.S.O. 1970, c. 349

- 21.** Subsection 5 of section 92 of the said Act is repealed and the following substituted therefor: s. 92 (5), re-enacted

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, subsection 12a of section 29, sections 33, 43 and 44 of *The Planning Act*, and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required. Regional Corporation deemed municipality under R.S.O. 1970, c. 349

- 22.** Subsection 2 of section 97 of the said Act is repealed. s. 97 (2), repealed

- 23.** Subsection 3 of section 109 of the said Act is repealed and the following substituted therefor: s. 109 (3), re-enacted

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act* to members of the Niagara Police Board appointed by the Lieutenant Governor in Council. Remuneration R.S.O. 1970, c. 351

- 24.** Clause *b* of subsection 1 of section 110 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 77, section 2, is repealed and the following substituted therefor: s. 110 (1) (b), re-enacted

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

- 25.** Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 10, is repealed and the following substituted therefor: s. 154 (1), re-enacted

Application
of
R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 41, 67*a* and 71*a* of section 352, paragraph 61 of subsection 1 of section 354, section 394 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Commence-
ment

26.—(1) This Part, except sections 20, 21 and 24, comes into force on the day this Act receives Royal Assent.

Idem

(2) Sections 20, 21 and 24 shall be deemed to have come into force on the 1st day of January, 1970.

PART III

THE REGIONAL MUNICIPALITY OF YORK

s. 3,
amended

27. Section 3 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 78, section 2, 1976, chapter 43, section 27 and 1977 chapter 34, section 11, is further amended by adding thereto the following subsection:

Composi-
tion of
council of
Town of
Markham

(1*a*) Notwithstanding paragraph 2 of subsection 1, on and after the 1st day of December, 1978 the council of the Town of Markham shall, in addition to the mayor, be composed of nine members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.

s. 4,
repealed

28. Section 4 of the said Act is repealed.

s. 7,
re-enacted

29. Section 7 of the said Act is repealed and the following substituted therefor:

Composi-
tion of
Regional
Council

7. The Regional Council shall consist of eighteen members composed of a chairman and,

(*a*) the head of the council of each area municipality;

(*b*) three members of the council of the area municipality of the Town of Markham who have been elected as members of the Regional Council and of the council of such area municipality;

- (c) one member of the council of the area municipality of the Town of Newmarket who has been elected as a member of the Regional Council and of the council of such area municipality;
- (d) two members of the council of the area municipality of the Town of Richmond Hill who have been elected as members of the Regional Council and of the council of such area municipality;
- (e) one member of the council of the area municipality of the Town of Vaughan who has been elected as a member of the Regional Council and of the council of such area municipality;
- (f) one member of the council of the area municipality of the Township of Georgina who has been elected as a member of the Regional Council and of the council of such area municipality.

30.—(1) Subsection 2 of section 8 of the said Act is repealed and the following substituted therefor: s. 8 (2),
re-enacted

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 19 shall preside until the chairman is elected. Election of
chairman

(2) Subsection 4 of the said section 8 is repealed and the following substituted therefor: s. 8 (4),
re-enacted

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure
to elect
chairman

31. Subsections 2 and 3 of section 9 of the said Act are repealed and the following substituted therefor: s. 9 (2, 3),
re-enacted

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day First
meeting
of area
councils

following the day on which the term of office in respect of which the election was held commences.

First
meeting
of Regional
Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 11 (1),
amended

32. Subsection 1 of section 11 of the said Act is amended by striking out "Nine" in the first line and inserting in lieu thereof "Ten".

s. 13,
repealed

33. Section 13 of the said Act is repealed.

s. 14 (2),
repealed

34. Subsection 2 of section 14 of the said Act is repealed.

s. 18 (1),
re-enacted

35. Subsection 1 of section 18 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e* and sections 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 55 (2),
re-enacted

36. Subsection 2 of section 55 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 75, section 3, is repealed and the following substituted therefor:

Contracts
for disposal
of sewage,
etc.,
Regional
Corpora-
tion

(2) The Regional Corporation and any local, regional or metropolitan municipality outside the Regional Area may enter into a contract to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality or from the Regional Area on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Contracts
for disposal
of land
drainage,
area
muni-
cipalities

(2*a*) Subject to the approval of the Regional Council, an area municipality and any local, regional or metropolitan municipality outside the Regional Area may enter into a contract to receive and dispose of land drainage from the local, regional or metropolitan municipality or from the area municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

- 37.** Subsection 2 of section 89 of the said Act is repealed and the following substituted therefor: s. 89 (2). re-enacted

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the York Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes. Designated municipality R.S.O. 1970. c. 349

- 38.** Subsection 5 of section 90 of the said Act is repealed and the following substituted therefor: s. 90 (5). re-enacted

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, subsection 12a of section 29, 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required. Regional Corporation deemed municipality under R.S.O. 1970. c. 349

- 39.** Section 94, and section 95 as amended by the Statutes of Ontario, 1972, chapter 78, section 10, of the said Act, are repealed and the following substituted therefor: s. 94. re-enacted s. 95. repealed

94.—(1) On the 1st day of July, 1978, the Regional Area health unit, and the York Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of The York Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board. Health unit and Board dissolved

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by *The Public Health Act* and shall perform all the functions of such a board, and the functions that would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be. Regional Corporation to have powers, etc., of local board of health R.S.O. 1970. c. 377

(3) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Public Health Act*. Regional Corporation deemed municipality

Non-application of R.S.O. 1970, c. 377, ss. 15, 17

(4) Section 15 of *The Public Health Act* does not apply to the Regional Corporation, and section 17 of that Act does not apply to the officer appointed under section 19 of this Act.

Non-application of R.S.O. 1970, c. 377, ss. 13, 35

(5) Sections 13 and 35 of *The Public Health Act* do not apply to an area municipality.

Regional Corporation deemed local board

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 21 and 116 and subsections 2 and 5 of section 99 and Schedule B of *The Public Health Act*.

Deemed secretary of local board of health

(7) The officer appointed under section 19 shall be deemed to be the secretary of a local board for the purposes of sections 24 and 62 and subsection 2 of section 23, and subsection 7 of section 48 and Schedule B of *The Public Health Act*.

Application of R.S.O. 1970, c. 377, ss. 33, 96, 118 (2),

(8) For the purposes of sections 33 and 96 and subsection 2 of section 118 of *The Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1970, c. 377, s. 35

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 5 of section 35 of *The Public Health Act* employed by the Regional Corporation under subsection 13 shall be deemed to have been duly appointed under section 35 of *The Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1970, c. 377, s. 94 (1)

(10) For the purposes of subsection 1 of section 94 of *The Public Health Act*, a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Application of R.S.O. 1970, c. 377, ss. 125, 126

(11) The Regional Corporation may exercise the powers conferred by sections 125 and 126 of *The Public Health Act* and no area municipality may exercise such powers.

Recovery of expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures that under *The Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may, by by-law direct the appropriate

area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of *The Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected under this subsection shall forthwith be paid over to the financial officer of the Regional Corporation.

(13) The Regional Corporation shall offer to employ every person who, on the 30th day of June, 1978, is employed by The York Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 30th day of June, 1979, of not less than he was receiving on the 30th day of June, 1978. Offer of employment

(14) Subsections 2, 3 and 5 of section 26 apply with necessary modifications to the Regional Corporation and to persons employed under subsection 13 as though such persons were employed on the 30th day of June, 1978, by a local board of a local municipality within the Regional Area. Application of s. 26 (2, 3, 5)

(15) Where a person employed under subsection 13 was not employed under a collective agreement on the 30th day of June, 1978, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of The York Regional Board of Health. Sick leave credits

(16) Nothing in subsections 13, 14 and 15 prevents the Regional Corporation from terminating the employment of an employee for cause. Termination of employment

40. Subsection 3 of section 106 of the said Act is repealed and the following substituted therefor: s. 106 (3). re-enacted

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the York Police Board appointed by the Lieutenant Governor in Council. Remuneration R.S.O. 1970, c. 351

41. Clause *b* of subsection 1 of section 107 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 75, section 4, is repealed and the following substituted therefor: s. 107 (1) (b). re-enacted

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

s. 149 (1),
re-enacted

- 42.** Subsection 1 of section 149 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 15, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970.
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 246, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 41, 67*a* and 71*a* of section 352, and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Commence-
ment

- 43.**—(1) This Part, except sections 29, 32, 37, 38 and 41, comes into force on the day this Act receives Royal Assent.

Idem

(2) Sections 37, 38 and 41 shall be deemed to have come into force on the 1st day of January, 1971.

Idem

(3) Sections 29 and 32 come into force on the 1st day of December, 1978.

PART IV

THE REGIONAL MUNICIPALITY OF WATERLOO

s. 8 (3),
re-enacted

- 44.** Subsection 3 of section 8 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, as amended by the Statutes of Ontario, 1973, chapter 137, section 2, is repealed and the following substituted therefor:

Election of
members to
Regional
Council

(3) The council of each area municipality, except the City of Waterloo, the City of Kitchener and the Township of Wilmot, shall at its first meeting after a regular election elect its members to the Regional Council.

s. 9 (2),
re-enacted

- 45.**—(1) Subsection 2 of section 9 of the said Act is repealed and the following substituted therefor:

Election of
chairman

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

s. 9 (4),
re-enacted

- (2) Subsection 4 of the said section 9 is repealed and the following substituted therefor:

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act.

Failure to
elect
chairman

46. Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor:

s. 10 (2, 3).
re-enacted

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First meeting
of area
councils

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

First meeting
of Regional
Council

47. Section 14 of the said Act is repealed.

s. 14,
repealed

48. Subsection 2 of section 15 of the said Act is repealed.

s. 15 (2).
repealed

49. Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

s. 19 (1).
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Application
of
R.S.O. 1970.
c. 284

50. The said Act is amended by adding thereto the following section:

s. 81a,
enacted

81a.—(1) The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway under the jurisdiction and control of the Regional Corporation for the construction, maintenance and use of buildings or parts thereof, over, across or under the highway upon such terms and conditions as may be agreed and for leasing or licensing the use of the air space over the highway or the lands under the highway

Regional
Council may
enter into
agreements
respecting
building
above or
beneath
regional
roads

to such persons and for such consideration and upon such terms and conditions as may be agreed.

Approval of
Minister of
Transporta-
tion and
Communica-
tions

R.S.O. 1970,
c. 201

(2) An agreement made under subsection 1 that affects a highway or a highway right-of-way that is a connecting link, within the meaning of section 19 of *The Public Transportation and Highway Improvement Act* shall have no effect until approved by the Minister of Transportation and Communications.

s. 94 (2),
re-enacted

- 51.** Subsection 2 of section 94 of the said Act is repealed and the following substituted therefor:

Designated
municipi-
pality
R.S.O. 1970,
c. 349

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Waterloo Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes.

s. 95 (4),
re-enacted

- 52.** Subsection 4 of section 95 of the said Act is repealed and the following substituted therefor:

Regional
Corporation
deemed
municipi-
pality under
R.S.O. 1970,
c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12a of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

s. 113 (3),
re-enacted

- 53.** Subsection 3 of section 113 of the said Act is repealed and the following substituted therefor:

Remunera-
tion

R.S.O. 1970,
c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Waterloo Police Board appointed by the Lieutenant Governor in Council.

s. 114 (1) (b),
re-enacted

- 54.** Clause *b* of subsection 1 of section 114 of the said Act is repealed and the following substituted therefor:

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

- 55.** Subsection 1 of section 158 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 21, is repealed and the following substituted therefor: s. 158 (1), re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 246, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 41, 67*a* and 71*a* of section 352, and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1970, c. 284

- 56.**—(1) This Part, except sections 51, 52 and 54, comes into force on the day this Act receives Royal Assent. Commencement

(2) Sections 51, 52 and 54 shall be deemed to have come into force on the 1st day of January, 1973. Idem

PART V

THE REGIONAL MUNICIPALITY OF SUDBURY

- 57.** Subsection 3 of section 8 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, as amended by the Statutes of Ontario, 1973, chapter 139, section 1, is repealed. s. 8 (3), repealed

- 58.**—(1) Subsection 2 of section 9 of the said Act is repealed and the following substituted therefor: s. 9 (2), re-enacted

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

- (2) Subsection 4 of the said section 9 is repealed and the following substituted therefor: s. 9 (4), re-enacted

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure to elect chairman

s. 10 (2, 3),
re-enacted

- 59.** Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor:

First meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First meeting
of Regional
Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 14,
repealed

- 60.** Section 14 of the said Act is repealed.

s. 15 (2),
repealed

- 61.** Subsection 2 of section 15 of the said Act is repealed.

s. 19 (1),
re-enacted

- 62.** Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 33 (2),
re-enacted

- 63.** Subsection 2 of section 33 of the said Act is repealed and the following substituted therefor:

Separate
meeting as
planning
board not
required
R.S.O. 1970,
c. 349

(2) Where the Regional Council meets in respect of matters pertaining to *The Planning Act*, no separate meeting of the Council as a planning board is required.

s. 46 (3),
re-enacted

- 64.** Subsection 3 of section 46 of the said Act is repealed and the following substituted therefor:

Remunera-
tion

R.S.O. 1970,
c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Sudbury Police Board appointed by the Lieutenant Governor in Council.

s. 47 (1) (b),
re-enacted

- 65.** Clause *b* of subsection 1 of section 47 of the said Act is repealed and the following substituted therefor:

(b) *The Police Act*, except section 68, does not apply R.S.O. 1970,
c. 351
to any area municipality; and

66. Subsection 1 of section 115 of the said Act, as re-enacted by s. 115(1),
re-enacted
the Statutes of Ontario, 1977, chapter 34, section 26, is repealed and the following substituted therefor:

(1) Section 5, Parts XV, XVI, XVII and XXI, sections Application
of
242a, 242b, 248a, 249 and 254, subsection 3 of section 308, R.S.O. 1970,
c. 284
sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 41, 67a
and 71a of section 352, and paragraph 10 of section 460 of
The Municipal Act apply with necessary modifications to the
Regional Corporation.

67.—(1) This Part, except sections 63 and 65, comes into force Commence-
ment
on the day this Act receives Royal Assent.

(2) Sections 63 and 65 shall be deemed to have come into Idem
force on the 1st day of January, 1973.

PART VI

THE REGIONAL MUNICIPALITY OF PEEL

68.—(1) Subsection 2 of section 9 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, is repealed and the s. 9(2),
re-enacted
following substituted therefor:

(2) At the first meeting of the Regional Council after a Election of
chairman
regular election at which a quorum is present, the Regional
Council shall organize as a council and elect as chairman one
of the members of the Regional Council, or any other person,
to hold office for the term of the council and until his successor
is appointed or elected in accordance with this Act, and at
such meeting the clerk shall preside until the chairman is
elected.

(2) Subsection 4 of the said section 9 is repealed and the s. 9(4),
re-enacted
following substituted therefor:

(4) If, at the first meeting of the Regional Council after a Failure
to elect
chairman
regular election a chairman is not elected, the presiding
officer may adjourn the meeting from time to time, and,
if a chairman is not elected at any adjourned meeting held
within one week after the first meeting, the Lieutenant
Governor in Council shall appoint a chairman to hold office
for the term of the council and until his successor is elected
or appointed in accordance with this Act.

s. 10 (2, 3),
re-enacted

- 69.** Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor:

First meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First meeting
of Regional
Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 14,
repealed

- 70.** Section 14 of the said Act is repealed.

s. 15 (2),
repealed

- 71.** Subsection 2 of section 15 of the said Act is repealed.

s. 19 (1),
re-enacted

- 72.** Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970.
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 54 (2),
re-enacted

- 73.** Subsection 2 of section 54 of the said Act is repealed and the following substituted therefor:

Designated
municipi-
pality
R.S.O. 1970.
c. 349

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Peel Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes.

s. 55 (4),
re-enacted

- 74.** Subsection 4 of section 55 of the said Act is repealed and the following substituted therefor:

Regional
Corpora-
tion deemed
municipi-
pality under
R.S.O. 1970.
c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12*a* of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for

the purposes aforesaid, no separate meeting of the Council as a planning board is required.

- 75.** Subsection 2 of section 60 of the said Act is repealed. s. 60 (2),
repealed
- 76.** Subsection 3 of section 71 of the said Act is repealed and the following substituted therefor: s. 71 (3),
re-enacted

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Peel Police Board appointed by the Lieutenant Governor in Council. Remuneration
R.S.O. 1970,
c. 351

- 77.** Clause *b* of subsection 1 of section 72 of the said Act is repealed and the following substituted therefor: s. 72 (1) (b),
re-enacted

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

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- 78.** Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 31, is repealed and the following substituted therefor: s. 115 (1),
re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242*a*, 242*b*, 245, 248*a*, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66, 67, 67*a* and 71*a* of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application
of
R.S.O. 1970,
c. 284

- 79.**—(1) This Part, except sections 73, 74 and 77, comes into force on the day this Act receives Royal Assent. Commence-
ment
- (2) Sections 73, 74 and 77 shall be deemed to have come into force on the 1st day of January, 1974. Idem

PART VII

THE REGIONAL MUNICIPALITY OF HALTON

- 80.**—(1) Subsection 2 of section 9 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, is repealed and the following substituted therefor: s. 9 (2),
re-enacted

Election of
chairman

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

s. 9 (4),
re-enacted

(2) Subsection 4 of the said section 9 is repealed and the following substituted therefor:

Failure
to elect
chairman

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act.

s. 10 (2, 3),
re-enacted

81. Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor:

First
meeting of
area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 14,
repealed

82. Section 14 of the said Act is repealed.

s. 15 (2),
repealed

83. Subsection 2 of section 15 of the said Act is repealed.

s. 19 (1),
re-enacted

84. Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 54 (2),
re-enacted

85. Subsection 2 of section 54 of the said Act is repealed and the following substituted therefor:

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Halton Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes.

Designated municipality
R.S.O. 1970.
c. 349

86. Subsection 4 of section 55 of the said Act is repealed and the following substituted therefor:

s. 55 (4).
re-enacted

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12a of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

Regional Corporation deemed municipality under
R.S.O. 1970.
c. 349

87. Section 60, and section 61 as amended by the Statutes of Ontario, 1973, chapter 162, section 5, of the said Act, are repealed and the following substituted therefor:

s. 60.
re-enacted
s. 61.
repealed

60.—(1) On the 1st day of July, 1978, the Regional Area health unit, and the Halton Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Halton Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings that have been or may be instituted against that Board.

Health unit and Board dissolved

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by *The Public Health Act* and shall perform all the functions of such a board, and the functions that would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be.

Regional Corporation to have powers, etc., of local board
R.S.O. 1970.
c. 377

(3) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Public Health Act*.

Regional Corporation deemed municipality

Non-application of R.S.O. 1970, c. 377, ss. 15, 17

(4) Section 15 of *The Public Health Act* does not apply to the Regional Corporation, and section 17 of that Act does not apply to the clerk of the Regional Corporation.

Non-application of R.S.O. 1970, c. 377, ss. 13, 35

(5) Sections 13 and 35 of *The Public Health Act* do not apply to an area municipality.

Regional Corporation deemed local board

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 21 and 116 and subsections 2 and 5 of section 99 and Schedule B of *The Public Health Act*.

Clerk deemed secretary of local board of health

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 24 and 62 and subsection 2 of section 23, and subsection 7 of section 48 and Schedule B of *The Public Health Act*.

Application of R.S.O. 1970, c. 377, ss. 33, 96, 118 (2)

(8) For the purposes of sections 33 and 96 and subsection 2 of section 118 of *The Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1970, c. 377, s. 35

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 5 of section 35 of *The Public Health Act* employed by the Regional Corporation pursuant to subsection 13 shall be deemed to have been duly appointed under section 35 of *The Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1970, c. 377, s. 94 (1)

(10) For the purposes of subsection 1 of section 94 of *The Public Health Act*, a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Application of R.S.O. 1970, c. 377, ss. 125, 126

(11) The Regional Corporation may exercise the powers conferred by sections 125 and 126 of *The Public Health Act* and no area municipality may exercise such powers.

Recovery of expenditure

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures that under *The Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may, by by-law direct the appropriate area municipality to levy such amount or to add such

amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of *The Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected under this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

R.S.O. 1970,
c. 377

(13) The Regional Corporation shall offer to employ every person who, on the 30th day of June, 1978, is employed by the Halton Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 30th day of June, 1979, of not less than he was receiving on the 30th day of June, 1978.

Offer of
employ-
ment

(14) Subsections 2, 3 and 5 of section 27 apply with necessary modifications to the Regional Corporation and to persons employed under subsection 13 as though such persons were employed on the 30th day of June, 1978, by a local board of a local municipality within the Regional Area.

Application
of
s. 27 (2, 3, 5)

(15) Where a person employed under subsection 13 was not employed under a collective agreement on the 30th day of June, 1978, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Halton Regional Board of Health.

Sick leave
credits

(16) Nothing in subsections 13, 14 and 15 prevents the Regional Corporation from terminating the employment of an employee for cause.

Termina-
tion of
employ-
ment

88. The said Act is amended by adding thereto the following section:

s. 63a,
enacted

63a. Notwithstanding clause *g* of section 1 of *The Elderly Persons Centres Act*, the Regional Corporation shall be deemed to be a municipality for the purposes of such Act.

Regional
Corpora-
tion deemed
municipality under
R.S.O. 1970,
c. 140.

89. Subsection 3 of section 71 of the said Act is repealed and the following substituted therefor:

s. 71 (3),
re-enacted

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Halton Police Board appointed by the Lieutenant Governor in Council.

Remunera-
tion

R.S.O. 1970,
c. 351

90. Clause *b* of subsection 1 of section 72 of the said Act is repealed and the following substituted therefor:

s. 72 (1) (b),
re-enacted

R.S.O. 1970,
c. 351

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

s. 115 (1),
re-enacted

91. Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 36, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242*a*, 242*b*, 245, 248*a*, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 41, 44, 63, 64, 65, 66, 67, 67*a* and 71*a* of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Commence-
ment

92.—(1) This Part, except sections 85, 86 and 90, comes into force on the day this Act receives Royal Assent.

Idem

(2) Sections 85, 86 and 90 shall be deemed to have come into force on the 1st day of January, 1974.

PART VIII

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

s. 8 (3),
re-enacted

93. Subsection 3 of section 8 of *The Regional Municipality of Hamilton-Wentworth Act*, 1973, being chapter 74, is repealed and the following substituted therefor:

Election of
members to
Regional
Council

(3) The council of each area municipality that is required to elect a member or members from among its own council members to the Regional Council shall at its first meeting after a regular election elect its members to the Regional Council.

s. 9 (2),
re-enacted

94.—(1) Subsection 2 of section 9 of the said Act is repealed and the following substituted therefor:

Election of
chairman

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

s. 9 (4),
re-enacted

(2) Subsection 4 of the said section 9 is repealed and the following substituted therefor:

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act.

Failure
to elect
chairman

95. Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor:

s. 10 (2, 3),
re-enacted

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting
of area
councils

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

First
meeting of
Regional
Council

96. Section 14 of the said Act is repealed.

s. 14,
repealed

97. Subsection 2 of section 15 of the said Act is repealed.

s. 15 (2),
repealed

98. Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

s. 19 (1),
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Application
of
R.S.O. 1970,
c. 284

99. Subsection 2 of section 54 of the said Act is repealed and the following substituted therefor:

s. 54 (2),
re-enacted

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Hamilton-Wentworth Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes.

Designated
municipality
R.S.O. 1970,
c. 349

100. Subsection 4 of section 55 of the said Act is repealed and the following substituted therefor:

s. 55 (4),
re-enacted

Regional
Corpora-
tion deemed
municipality under
R.S.O. 1970,
c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12a of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

s. 60 (2),
repealed

101. Subsection 2 of section 60 of the said Act is repealed.

s. 71 (3),
re-enacted

102. Subsection 3 of section 71 of the said Act is repealed and the following substituted therefor:

Remunera-
tion

R.S.O. 1970,
c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Hamilton-Wentworth Police Board appointed by the Lieutenant Governor in Council.

s. 72 (1) (b),
re-enacted

103. Clause *b* of subsection 1 of section 72 of the said Act is repealed and the following substituted therefor:

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

s. 115 (1),
re-enacted

104. Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 42, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 41, 44, 63, 64, 65, 66, 67, 67a and 71a of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Commence-
ment

105.—(1) This Part, except sections 99, 100 and 103, comes into force on the day this Act receives Royal Assent.

Idem

(2) Sections 99, 100 and 103 shall be deemed to have come into force on the 1st day of January, 1974.

PART IX

THE REGIONAL MUNICIPALITY OF DURHAM

106.—(1) Subsection 2 of section 9 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, is repealed and the following substituted therefor: s. 9 (2),
re-enacted

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of
chairman

(2) Subsection 4 of the said section 9 is repealed and the following substituted therefor: s. 9 (4),
re-enacted

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure
to elect
chairman

107. Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor: s. 10 (2, 3),
re-enacted

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences. First
meeting
of area
councils

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council. First
meeting of
Regional
Council

108. Section 14 of the said Act is repealed. s. 14,
repealed

109. Subsection 2 of section 15 of the said Act is repealed. s. 15 (2),
repealed

s. 19 (1),
re-enacted

- 110.** Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e* and sections 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 62 (4),
re-enacted

- 111.** Subsection 4 of section 62 of the said Act is repealed and the following substituted therefor:

Regional
Corpora-
tion deemed
muni-
cipality under
R.S.O. 1970,
c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12*a* of section 29, sections 33, 43 and 44 of *The Planning Act*, and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

s. 65 (3),
re-enacted

- 112.** Subsection 3 of section 65 of the said Act is repealed and the following substituted therefor:

Remunera-
tion

R.S.O. 1970,
c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Durham Police Board appointed by the Lieutenant Governor in Council.

s. 66 (1) (b),
re-enacted

- 113.** Clause *b* of subsection 1 of section 66 of the said Act is repealed and the following substituted therefor:

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

s. 76 (2),
repealed

- 114.** Subsection 2 of section 76 of the said Act is repealed.

s. 123 (1),
re-enacted

- 115.** Subsection 1 of section 123 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 47, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242*a*, 242*b*, 245, 248*a*, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66, 67, 67*a* and 71*a* of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and

XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation. R.S.O. 1970.
c. 284

- 116.**—(1) This Part, except sections 111 and 113, comes into force on the day this Act receives Royal Assent. Commence-
ment
- (2) Sections 111 and 113 shall be deemed to have come into force on the 1st day of January, 1974. Idem

PART X

THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

- 117.**—(1) Subsection 2 of section 9 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, is repealed and the following substituted therefor: s. 9 (2),
re-enacted

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of
chairman

- (2) Subsection 4 of the said section 9 is repealed and the following substituted therefor: s. 9 (4),
re-enacted

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure
to elect
chairman

- 118.** Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor: s. 10 (2, 3),
re-enacted

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences. First
meeting
of area
councils

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area First
meeting of
Regional
Council

municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 14,
repealed

119. Section 14 of the said Act is repealed.

s. 15 (2),
repealed

120. Subsection 2 of section 15 of the said Act is repealed.

s. 19 (1),
re-enacted

121. Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e* and sections 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 54,
amended

122. Section 54 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by adding thereto the following subsection:

Separate
meeting as
planning
board not
required
R.S.O. 1970,
c. 349

(1*a*) Where the Regional Council meets in respect of matters pertaining to planning for the purposes of *The Planning Act*, no separate meeting of the council as a planning board is required.

s. 62 (2),
repealed

123. Subsection 2 of section 62 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed.

s. 73 (3),
re-enacted

124. Subsection 3 of section 73 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Remunera-
tion

R.S.O. 1970,
c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Haldimand-Norfolk Police Board appointed by the Lieutenant Governor in Council.

s. 74 (1) (b),
re-enacted

125. Clause *b* of subsection 1 of section 74 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

.

126. Subsection 1 of section 119 of the said Act, as re-enacted by ^{s. 119 (1).} the Statutes of Ontario, 1977, chapter 34, section 52, is ^{re-enacted} repealed and the following substituted therefor:

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, ^{Application of} subsections 1, 4 and 5 of section 237, sections 238, 239, ^{R.S.O. 1970.} 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of ^{c. 284} section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66, 67, 67a, 71a and 74 of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

127.—(1) This Part, except sections 122 and 125, comes into force ^{Commence-} on the day this Act receives Royal Assent. ^{ment}

(2) Sections 122 and 125 shall be deemed to have come into ^{Idem} force on the 1st day of April, 1974.

128. The short title of this Act is *The Regional Municipalities* ^{Short title} *Amendment Act, 1978.*

An Act to amend certain Acts
respecting Regional Municipalities

1st Reading

May 11th, 1978

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

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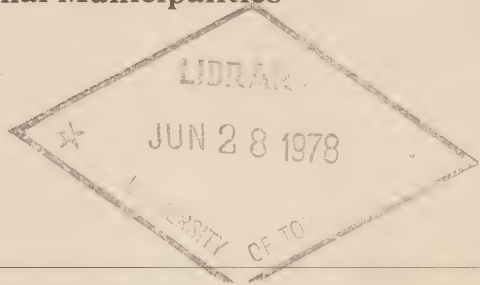
Publication

BILL 81

Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend certain Acts respecting Regional Municipalities



THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

TORONTO

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EXPLANATORY NOTES

GENERAL

The Bill amends ten of the Acts that establish various regional municipalities and is divided into the following Parts:

- PART I — Ottawa-Carleton (ss. 1-13).
- PART II — Niagara (ss. 14-26).
- PART III — York (ss. 27-43).
- PART IV — Waterloo (ss. 44-56).
- PART V — Sudbury (ss. 57-67).
- PART VI — Peel (ss. 68-79).
- PART VII — Halton (ss. 80-92).
- PART VIII — Hamilton-Wentworth (ss. 93-105).
- PART IX — Durham (ss. 106-116).
- PART X — Haldimand-Norfolk (ss. 117-126).

The following six numbered paragraphs describe amendments that are common to all ten of the regional municipalities.

1. *Sections 1, 15, 30, 45, 58, 68, 80, 94, 106, 117.*

The effect of the re-enactment of the two subsections is to make it clear that the term of office of the chairman corresponds to the term of office of the council.

2. *Sections 2, 16, 31, 46, 59, 69, 81, 95, 107, 118.*

The amendments change the date of the first meetings of the area councils and the Regional Councils, following a regular election, from not later than the 8th day of January and the 15th day of January, respectively, to the dates set out in the re-enactment of the two subsections.

The amendments thus reflect the change in the commencement of the term of office of municipal councils from the 1st day of January to the 1st day of December, as set out in *The Municipal Elections Act, 1977*.

3. *Sections 3, 4, 5, 7, 10, 17, 18, 22, 33, 34, 47, 48, 60, 61, 70, 71, 75, 82, 83, 96, 97, 101, 108, 109, 114, 119, 120, 123.*

The provisions to be repealed provide for the payment of remuneration to council members and local board members and will be replaced by the amendments made by sections 6, 19, 35, 49, 62, 72, 84, 98, 110 and 121 of the Bill making applicable to the regional municipalities those sections of *The Municipal Act* dealing generally with the payment of remuneration and expenses of members of councils and local boards.

4. Sections 6, 19, 35, 49, 62, 72, 84, 98, 110, 121.

See the Note in paragraph 3. The effect of the re-enactment is to make applicable to the regional municipalities the provisions of *The Municipal Act* that provide generally for the payment of remuneration and expenses to members of councils and local boards.

5. Sections 8, 21, 38, 52, 63, 74, 86, 100, 111, 122.

Regional Councils perform the functions of a planning board for the regional planning areas. The amendments provide that where a Regional Council meets in respect of matters pertaining to planning, no separate meeting of the Council as a planning board is required.

6. Sections 11, 25, 42, 55, 66, 78, 91, 104, 115, 126.

The effect of the amendments is to add the following provisions of *The Municipal Act* as being applicable to the Regional Corporations: section 242b, paragraphs 67a and 71a of section 352 and paragraph 10 of section 460. These are new provisions added to *The Municipal Act* by *The Municipal Amendment Act, 1978* and provide, respectively, authority for authorizing hearings by a committee rather than the full council, providing liability insurance for employees, establishing bicycle paths and designating bicycle lanes on highways.

The next two numbered paragraphs relate to all the regional municipalities with the exception of Ottawa-Carleton which does not have a regional police force.

7. Sections 24, 41, 54, 65, 77, 90, 103, 113, 125.

The effect of the re-enactment is to make applicable to the area municipalities the provision of *The Police Act* that authorizes the appointment of by-law enforcement officers.

8. Sections 23, 40, 53, 64, 76, 89, 102, 112, 124.

The sections being re-enacted now prohibit the payment of remuneration to members of a police commission who are also members of the Regional Council. The re-enactment removes that prohibition and such members will be able to receive remuneration under the general sections of *The Municipal Act* respecting remuneration made applicable to the regional municipalities. (See the Note in paragraph 4).

The following amendment relates to all of the regional municipalities with the exception of Sudbury, Durham and Haldimand-Norfolk.

Sections 9, 20, 37, 51, 73, 85, 99.

In these regional municipalities each area municipality is constituted a subsidiary planning area. The amendments are to make it clear that the area municipality is the designated municipality within the meaning of *The Planning Act* and is thus the authority to adopt and forward to the Minister of Housing for approval the official plan for the subsidiary planning area it constitutes.

The following amendment relates to the regional municipalities of York and Halton.

Sections 39 and 87.

These sections provide, respectively, for the dissolution of the York Regional Board of Health and the Halton Regional Board of Health together with the Regional Area health units: in each case the Regional Corporation through the Regional Council will exercise the powers of a local board of health throughout the Regional Area.

The following amendment relates to the regional municipalities of Niagara and York.

Sections 14, 28.

In each case the section being repealed provided for elections in 1972 and various other matters now governed by *The Municipal Elections Act, 1977*. The provisions are accordingly either spent or superseded.

The following amendment relates to the regional municipalities of Waterloo, Sudbury and Hamilton-Wentworth.

Sections 44, 57, 93.

In the regional municipalities of Waterloo and Hamilton-Wentworth certain of the area municipalities elect members of the area council to serve on the Regional Council. They are now required to do so at the first meeting in each year that follows an election. The amendments reflect the change in the commencement of the term of office of municipal councils provided for by *The Municipal Elections Act, 1977*. They will be required to elect their members at the first meeting following a regular election.

In the case of The Regional Municipality of Sudbury the provision is repealed since by reason of amendments made in 1974 no area councils now elect members to serve on the Regional Council.

The following sections of the Bill apply only to the regional municipality specifically mentioned.

Section 12.

In The Regional Municipality of Ottawa-Carleton, the time for dividing an area municipality into polling subdivisions and informing the assessment commissioner is extended, for those municipalities who have failed to do so by the April 1st deadline set out in *The Municipal Elections Act, 1977*, to the 1st day of July. In addition, in the case of those area municipalities who have authorized the use of voting recorders, the limitation of 350 electors as the number who may be included in one polling subdivision is removed.

Sections 27, 29, 32.

These amendments apply to The Regional Municipality of York. The effect of section 27 is to increase the size of the Town of Markham council by one, from ten members to eleven members, and to increase Markham's representation on the Regional Council from three members to four members (including the mayor). The amendment made by section 29 is consequential; the size of the Regional Council is increased from seventeen members to

eighteen members, four of whom (including the mayor) will be representatives of the Town of Markham. Section 32 increases the size of a quorum of the Regional Council from nine members to ten members.

Section 36.

This amendment applies to The Regional Municipality of York. Subsection 2 of section 35 of the Regional Act, as re-enacted, drops from the end thereof the words "and no area municipality shall enter into any such contract with any municipality". The new subsection 2*a* permits an area municipality, subject to the approval of the Regional Council, to enter into contracts in respect of land drainage, as set out in the subsection.

Section 50.

This amendment applies to The Regional Municipality of Waterloo and empowers the Regional Council to authorize the Regional Corporation to enter into agreements respecting regional roads in the manner set out in the new section 81*a*.

Section 88.

This section applies to The Regional Municipality of Halton and deems the Regional Corporation to be a municipality for the purposes of *The Elderly Persons Centres Act*.

BILL 81

1978

An Act to amend certain Acts respecting Regional Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

- 1.—(1) Subsection 2 of section 4 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 138, section 2, is repealed and the following substituted therefor:

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

- (2) Subsection 5 of the said section 4, as amended by the Statutes of Ontario, 1973, chapter 138, section 2, is repealed and the following substituted therefor:

(5) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act.

s. 8 (2, 3),
re-enacted

2. Subsections 2 and 3 of section 8 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 138, section 4, are repealed and the following substituted therefor:

First
meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 12,
repealed

3. Section 12 of the said Act is repealed.

s. 13 (3),
repealed

4. Subsection 3 of section 13 of the said Act is repealed.

s. 14 (2),
repealed

5. Subsection 2 of section 14 of the said Act is repealed.

s. 18 (1),
re-enacted

6. Subsection 1 of section 18 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e* and 390 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 67*b* (4),
repealed

7. Subsection 4 of section 67*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 126, section 14, is repealed.

s. 69 (5),
re-enacted

8. Subsection 5 of section 69 of the said Act is repealed and the following substituted therefor:

Regional
Corpora-
tion deemed
muni-
cipality under
R.S.O. 1970,
c. 349

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12*a* of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

9. The said Act is amended by adding thereto the following section: s. 69b.
enacted

69b. The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Ottawa-Carleton Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes. Designated municipality
R.S.O. 1970,
c. 349

10. Subsection 2 of section 77 of the said Act is repealed. s. 77 (2),
repealed
11. Subsection 1 of section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 6, is repealed and the following substituted therefor: s. 124 (1),
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 242b, 248a, 249 and 254, subsection 3 of section 308, section 333, paragraphs 3, 10, 11, 12, 24, 41, 67a and 71a of section 352, sections 391 and 394 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of
R.S.O. 1970,
c. 284

- 12.—(1) Where in the year 1978 an area municipality has not complied with section 17 of *The Municipal Elections Act, 1977*, the clerk of the area municipality shall divide the municipality into polling subdivisions and shall, not later than the 1st day of July, 1978, inform the assessment commissioner of the boundaries of each subdivision. Polling subdivisions
1977, c. 62

(2) Notwithstanding clause a of section 18 of *The Municipal Elections Act, 1977*, where in 1976 an area municipality authorized the use of voting recorders at the municipal elections held in that year, the clerk of the area municipality may for the purposes of the municipal elections to be held in 1978 divide the municipality into polling subdivisions that contain more than 350 electors. Size of polling subdivisions

- 13.—(1) This Part, except section 8, comes into force on the day this Act receives Royal Assent. Commence-
ment

(2) Section 8 shall be deemed to have come into force on the 1st day of January, 1969. Idem

PART II

THE REGIONAL MUNICIPALITY OF NIAGARA

14. Section 4 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is repealed. s. 4.
repealed

s. 7 (3),
re-enacted

- 15.**—(1) Subsection 3 of section 7 of the said Act is repealed and the following substituted therefor:

Election of
chairman

(3) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 19 shall preside until the chairman is elected.

s. 7 (5),
re-enacted

- (2) subsection 5 of the said section 7 is repealed and the following substituted therefor:

Failure
to elect
chairman

(5) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act.

s. 9 (2, 3),
re-enacted

- 16.** Subsections 2 and 3 of section 9 of the said Act are repealed and the following substituted therefor:

First
meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 13,
repealed

- 17.** Section 13 of the said Act is repealed.

s. 14 (2),
repealed

- 18.** Subsection 2 of section 14 of the said Act is repealed.

s. 18 (1),
re-enacted

- 19.** Subsection 1 of section 18 of the said Act is repealed and the following substituted therefor:

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389c, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1970, c. 284

- 20.** Subsection 2 of section 91 of the said Act is repealed and the following substituted therefor: s. 91 (2), re-enacted

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Niagara Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes. Designated municipality R.S.O. 1970, c. 349

- 21.** Subsection 5 of section 92 of the said Act is repealed and the following substituted therefor: s. 92 (5), re-enacted

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, subsection 12a of section 29, sections 33, 43 and 44 of *The Planning Act*, and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required. Regional Corporation deemed municipality under R.S.O. 1970, c. 349

- 22.** Subsection 2 of section 97 of the said Act is repealed. s. 97 (2), repealed

- 23.** Subsection 3 of section 109 of the said Act is repealed and the following substituted therefor: s. 109 (3), re-enacted

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act* to members of the Niagara Police Board appointed by the Lieutenant Governor in Council. Remuneration R.S.O. 1970, c. 351

- 24.** Clause *b* of subsection 1 of section 110 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 77, section 2, is repealed and the following substituted therefor: s. 110 (1) (b), re-enacted

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

- 25.** Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 10, is repealed and the following substituted therefor: s. 154 (1), re-enacted

Application
of
R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 41, 67*a* and 71*a* of section 352, paragraph 61 of subsection 1 of section 354, section 394 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Commence-
ment

26.—(1) This Part, except sections 20, 21 and 24, comes into force on the day this Act receives Royal Assent.

Idem

(2) Sections 20, 21 and 24 shall be deemed to have come into force on the 1st day of January, 1970.



PART III

THE REGIONAL MUNICIPALITY OF YORK

s. 3.
amended

27. Section 3 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 78, section 2, 1976, chapter 43, section 27 and 1977 chapter 34 section 11, is further amended by adding thereto the following subsection:

Composi-
tion of
council of
Town of
Markham

 (1*a*) Notwithstanding paragraph 2 of subsection 1, on and after the 1st day of December, 1978 the council of the Town of Markham shall, in addition to the mayor, be composed of ten members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3*a*, seven members elected by wards. 

s. 4.
repealed

28. Section 4 of the said Act is repealed.

s. 7.
re-enacted

29. Section 7 of the said Act is repealed and the following substituted therefor:

Composi-
tion of
Regional
Council

7. The Regional Council shall consist of eighteen members composed of a chairman and,

- (*a*) the head of the council of each area municipality;
- (*b*) three members of the council of the area municipality of the Town of Markham who have been elected as members of the Regional Council and of the council of such area municipality;

- (c) one member of the council of the area municipality of the Town of Newmarket who has been elected as a member of the Regional Council and of the council of such area municipality;
- (d) two members of the council of the area municipality of the Town of Richmond Hill who have been elected as members of the Regional Council and of the council of such area municipality;
- (e) one member of the council of the area municipality of the Town of Vaughan who has been elected as a member of the Regional Council and of the council of such area municipality;
- (f) one member of the council of the area municipality of the Township of Georgina who has been elected as a member of the Regional Council and of the council of such area municipality.

30.—(1) Subsection 2 of section 8 of the said Act is repealed and the following substituted therefor: s. 8 (2),
re-enacted

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 19 shall preside until the chairman is elected. Election of
chairman

(2) Subsection 4 of the said section 8 is repealed and the following substituted therefor: s. 8 (4),
re-enacted

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure
to elect
chairman

31. Subsections 2 and 3 of section 9 of the said Act are repealed and the following substituted therefor: s. 9 (2, 3),
re-enacted

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day First
meeting
of area
councils

following the day on which the term of office in respect of which the election was held commences.

First
meeting
of Regional
Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 11 (1),
amended

32. Subsection 1 of section 11 of the said Act is amended by striking out "Nine" in the first line and inserting in lieu thereof "Ten".

s. 13,
repealed

33. Section 13 of the said Act is repealed.

s. 14 (2),
repealed

34. Subsection 2 of section 14 of the said Act is repealed.

s. 18 (1),
re-enacted

35. Subsection 1 of section 18 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e and sections 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 55 (2),
re-enacted

36. Subsection 2 of section 55 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 75, section 3, is repealed and the following substituted therefor:

Contracts
for disposal
of sewage,
etc.,
Regional
Corpora-
tion

(2) The Regional Corporation and any local, regional or metropolitan municipality outside the Regional Area may enter into a contract to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality or from the Regional Area on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Contracts
for disposal
of land
drainage,
area
muni-
cipalities

(2a) Subject to the approval of the Regional Council, an area municipality and any local, regional or metropolitan municipality outside the Regional Area may enter into a contract to receive and dispose of land drainage from the local, regional or metropolitan municipality or from the area municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

- 37.** Subsection 2 of section 89 of the said Act is repealed and the following substituted therefor: s. 89 (2), re-enacted

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the York Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes. Designated municipality R.S.O. 1970, c. 349

- 38.** Subsection 5 of section 90 of the said Act is repealed and the following substituted therefor: s. 90 (5), re-enacted

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, subsection 12a of section 29, 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required. Regional Corporation deemed municipality under R.S.O. 1970, c. 349

- 39.** Section 94, and section 95 as amended by the Statutes of Ontario, 1972, chapter 78, section 10, of the said Act, are repealed and the following substituted therefor: s. 94, re-enacted
s. 95, repealed

94.—(1) On the 1st day of July, 1978, the Regional Area health unit, and the York Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of The York Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board. Health unit and Board dissolved

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by *The Public Health Act* and shall perform all the functions of such a board, and the functions that would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be. Regional Corporation to have powers, etc., of local board of health R.S.O. 1970, c. 377

(3) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Public Health Act*. Regional Corporation deemed municipality

Non-application of R.S.O. 1970, c. 377, ss. 15, 17

(4) Section 15 of *The Public Health Act* does not apply to the Regional Corporation, and section 17 of that Act does not apply to the officer appointed under section 19 of this Act.

Non-application of R.S.O. 1970, c. 377, ss. 13, 35

(5) Sections 13 and 35 of *The Public Health Act* do not apply to an area municipality.

Regional Corporation deemed local board

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 21 and 116 and subsections 2 and 5 of section 99 and Schedule B of *The Public Health Act*.

Deemed secretary of local board of health

(7) The officer appointed under section 19 shall be deemed to be the secretary of a local board for the purposes of sections 24 and 62 and subsection 2 of section 23, and subsection 7 of section 48 and Schedule B of *The Public Health Act*.

Application of R.S.O. 1970, c. 377, ss. 33, 96, 118 (2),

(8) For the purposes of sections 33 and 96 and subsection 2 of section 118 of *The Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1970, c. 377, s. 35

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 5 of section 35 of *The Public Health Act* employed by the Regional Corporation under subsection 13 shall be deemed to have been duly appointed under section 35 of *The Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1970, c. 377, s. 94 (1)

(10) For the purposes of subsection 1 of section 94 of *The Public Health Act*, a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Application of R.S.O. 1970, c. 377, ss. 125, 126

(11) The Regional Corporation may exercise the powers conferred by sections 125 and 126 of *The Public Health Act* and no area municipality may exercise such powers.

Recovery of expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures that under *The Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may, by by-law direct the appropriate

area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of *The Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected under this subsection shall forthwith be paid over to the financial officer of the Regional Corporation.

(13) The Regional Corporation shall offer to employ every person who, on the 30th day of June, 1978, is employed by The York Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 30th day of June, 1979, of not less than he was receiving on the 30th day of June, 1978. Offer of employment

(14) Subsections 2, 3 and 5 of section 26 apply with necessary modifications to the Regional Corporation and to persons employed under subsection 13 as though such persons were employed on the 30th day of June, 1978, by a local board of a local municipality within the Regional Area. Application of s. 26 (2, 3, 5)

(15) Where a person employed under subsection 13 was not employed under a collective agreement on the 30th day of June, 1978, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of The York Regional Board of Health. Sick leave credits

(16) Nothing in subsections 13, 14 and 15 prevents the Regional Corporation from terminating the employment of an employee for cause. Termination of employment

40. Subsection 3 of section 106 of the said Act is repealed and the following substituted therefor: s. 106 (3), re-enacted

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the York Police Board appointed by the Lieutenant Governor in Council. Remuneration R.S.O. 1970, c. 351

41. Clause *b* of subsection 1 of section 107 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 75, section 4, is repealed and the following substituted therefor: s. 107 (1) (b), re-enacted

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

s. 149 (1),
re-enacted

- 42.** Subsection 1 of section 149 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 15, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 246, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 41, 67*a* and 71*a* of section 352, and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Commence-
ment

- 43.**—(1) This Part, except sections 29, 32, 37, 38 and 41, comes into force on the day this Act receives Royal Assent.

Idem

- (2) Sections 37, 38 and 41 shall be deemed to have come into force on the 1st day of January, 1971.

Idem

- (3) Sections 29 and 32 come into force on the 1st day of December, 1978.

PART IV

THE REGIONAL MUNICIPALITY OF WATERLOO

s. 8 (3),
re-enacted

- 44.** Subsection 3 of section 8 of *The Regional Municipality of Waterloo Act*, 1972, being chapter 105, as amended by the Statutes of Ontario, 1973, chapter 137, section 2, is repealed and the following substituted therefor:

Election of
members to
Regional
Council

(3) The council of each area municipality, except the City of Waterloo, the City of Kitchener and the Township of Wilmot, shall at its first meeting after a regular election elect its members to the Regional Council.

s. 9 (2),
re-enacted

- 45.**—(1) Subsection 2 of section 9 of the said Act is repealed and the following substituted therefor:

Election of
chairman

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

s. 9 (4),
re-enacted

- (2) Subsection 4 of the said section 9 is repealed and the following substituted therefor:

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act.

Failure to
elect
chairman

- 46.** Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor:

s. 10 (2, 3),
re-enacted

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First meeting
of area
councils

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

First meeting
of Regional
Council

- 47.** Section 14 of the said Act is repealed.

s. 14,
repealed

- 48.** Subsection 2 of section 15 of the said Act is repealed.

s. 15 (2),
repealed

- 49.** Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

s. 19 (1),
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Application
of
R.S.O. 1970,
c. 284

- 50.** The said Act is amended by adding thereto the following section:

s. 81a,
enacted

81a.—(1) The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway under the jurisdiction and control of the Regional Corporation for the construction, maintenance and use of buildings or parts thereof, over, across or under the highway upon such terms and conditions as may be agreed and for leasing or licensing the use of the air space over the highway or the lands under the highway

Regional
Council may
enter into
agreements
respecting
building
above or
beneath
regional
roads

to such persons and for such consideration and upon such terms and conditions as may be agreed.

Approval of
Minister of
Transporta-
tion and
Communica-
tions
R.S.O. 1970,
c. 201

(2) An agreement made under subsection 1 that affects a highway or a highway right-of-way that is a connecting link, within the meaning of section 19 of *The Public Transportation and Highway Improvement Act* shall have no effect until approved by the Minister of Transportation and Communications.

s. 94 (2),
re-enacted

- 51.** Subsection 2 of section 94 of the said Act is repealed and the following substituted therefor:

Designated
municipal-
ity
R.S.O. 1970,
c. 349

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Waterloo Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes.

s. 95 (4),
re-enacted

- 52.** Subsection 4 of section 95 of the said Act is repealed and the following substituted therefor:

Regional
Corporation
deemed
municipal-
ity under
R.S.O. 1970,
c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12a of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

s. 113 (3),
re-enacted

- 53.** Subsection 3 of section 113 of the said Act is repealed and the following substituted therefor:

Remunera-
tion

R.S.O. 1970,
c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Waterloo Police Board appointed by the Lieutenant Governor in Council.

s. 114 (1) (b),
re-enacted

- 54.** Clause *b* of subsection 1 of section 114 of the said Act is repealed and the following substituted therefor:

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

55. Subsection 1 of section 158 of the said Act, as re-enacted by <sup>s. 158 (1),
re-enacted</sup> the Statutes of Ontario, 1977, chapter 34, section 21, is repealed and the following substituted therefor:

(1) Section 5, Parts XV, XVI, XVII and XXI, sections <sup>Application
of
R.S.O. 1970,
c. 284</sup> 242a, 242b, 246, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 41, 67a and 71a of section 352, and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

56.—(1) This Part, except sections 51, 52 and 54, comes into force <sup>Commence-
ment</sup> on the day this Act receives Royal Assent.

(2) Sections 51, 52 and 54 shall be deemed to have come ^{Idem} into force on the 1st day of January, 1973.

PART V

THE REGIONAL MUNICIPALITY OF SUDBURY

57. Subsection 3 of section 8 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, as amended by the <sup>s. 8 (3),
repealed</sup> Statutes of Ontario, 1973, chapter 139, section 1, is repealed.

58.—(1) Subsection 2 of section 9 of the said Act is repealed <sup>s. 9 (2),
re-enacted</sup> and the following substituted therefor:

(2) At the first meeting of the Regional Council after a <sup>Election of
chairman</sup> regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

(2) Subsection 4 of the said section 9 is repealed and the <sup>s. 9 (4),
re-enacted</sup> following substituted therefor:

(4) If, at the first meeting of the Regional Council after a <sup>Failure
to elect
chairman</sup> regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act.

s. 10 (2, 3),
re-enacted

- 59.** Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor:

First meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First meeting
of Regional
Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 14,
repealed

- 60.** Section 14 of the said Act is repealed.

s. 15 (2),
repealed

- 61.** Subsection 2 of section 15 of the said Act is repealed.

s. 19 (1),
re-enacted

- 62.** Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Application
of
R.S.O. 1970,
c. 284

s. 33 (2),
re-enacted

- 63.** Subsection 2 of section 33 of the said Act is repealed and the following substituted therefor:



(2) The Regional Council shall be the planning board of the Sudbury Planning Area and where the Regional Council meets in respect of matters pertaining to *The Planning Act*, no separate meeting of the Council as a planning board is required.



Regional
Council to
be planning
board;
separate
meeting not
required
R.S.O. 1970,
c. 349

s. 46 (3),
re-enacted

- 64.** Subsection 3 of section 46 of the said Act is repealed and the following substituted therefor:

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Sudbury Police Board appointed by the Lieutenant Governor in Council.

Remunera-
tion

R.S.O. 1970,
c. 351

s. 47 (1) (b),
re-enacted

- 65.** Clause *b* of subsection 1 of section 47 of the said Act is repealed and the following substituted therefor:

- (b) *The Police Act*, except section 68, does not apply to any area municipality; and R.S.O. 1970,
c. 351

66. Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 26, is repealed and the following substituted therefor: s. 115 (1),
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 242b, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 41, 67a and 71a of section 352, and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application
of
R.S.O. 1970,
c. 284

- 67.—(1) This Part, except sections 63 and 65, comes into force on the day this Act receives Royal Assent. Commence-
ment

- (2) Sections 63 and 65 shall be deemed to have come into force on the 1st day of January, 1973. Idem

PART VI

THE REGIONAL MUNICIPALITY OF PEELE

- 68.—(1) Subsection 2 of section 9 of *The Regional Municipality of Peel Act*, 1973, being chapter 60, is repealed and the following substituted therefor: s. 9 (2),
re-enacted

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of
chairman

- (2) Subsection 4 of the said section 9 is repealed and the following substituted therefor: s. 9 (4),
re-enacted

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure
to elect
chairman

s. 10 (2, 3),
re-enacted

- 69.** Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor:

First meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First meeting
of Regional
Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 14,
repealed

- 70.** Section 14 of the said Act is repealed.

s. 15 (2),
repealed

- 71.** Subsection 2 of section 15 of the said Act is repealed.

s. 19 (1),
re-enacted

- 72.** Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 54 (2),
re-enacted

- 73.** Subsection 2 of section 54 of the said Act is repealed and the following substituted therefor:

Designated
municipality
R.S.O. 1970,
c. 349

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Peel Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes.

s. 55 (4),
re-enacted

- 74.** Subsection 4 of section 55 of the said Act is repealed and the following substituted therefor:

Regional
Corporation deemed
municipality under
R.S.O. 1970,
c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12*a* of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for

the purposes aforesaid, no separate meeting of the Council as a planning board is required.

- 75.** Subsection 2 of section 60 of the said Act is repealed. s. 60 (2),
repealed
- 76.** Subsection 3 of section 71 of the said Act is repealed and the following substituted therefor: s. 71 (3),
re-enacted
- (3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Peel Police Board appointed by the Lieutenant Governor in Council. Remuneration
R.S.O. 1970,
c. 351
- 77.** Clause *b* of subsection 1 of section 72 of the said Act is repealed and the following substituted therefor: s. 72 (1) (b),
re-enacted
- (b) *The Police Act*, except section 68, does not apply to any area municipality; and
-
- 78.** Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 31, is repealed and the following substituted therefor: s. 115 (1),
re-enacted
- (1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242*a*, 242*b*, 245, 248*a*, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66, 67, 67*a* and 71*a* of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application
of
R.S.O. 1970,
c. 284
- 79.**—(1) This Part, except sections 73, 74 and 77, comes into force on the day this Act receives Royal Assent. Commence-
ment
- (2) Sections 73, 74 and 77 shall be deemed to have come into force on the 1st day of January, 1974. Idem

PART VII

THE REGIONAL MUNICIPALITY OF HALTON

- 80.**—(1) Subsection 2 of section 9 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, is repealed and the following substituted therefor: s. 9 (2),
re-enacted

Election of
chairman

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

s. 9 (4),
re-enacted

(2) Subsection 4 of the said section 9 is repealed and the following substituted therefor:

Failure
to elect
chairman

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act.

s. 10 (2, 3),
re-enacted

81. Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor:

First
meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 14,
repealed

82. Section 14 of the said Act is repealed.

s. 15 (2),
repealed

83. Subsection 2 of section 15 of the said Act is repealed.

s. 19 (1),
re-enacted

84. Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970.
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 54 (2),
re-enacted

85. Subsection 2 of section 54 of the said Act is repealed and the following substituted therefor:

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Halton Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes.

Designated municipality
R.S.O. 1970,
c. 349

- 86.** Subsection 4 of section 55 of the said Act is repealed and the following substituted therefor:

s. 55 (4),
re-enacted

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12a of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

Regional Corporation deemed municipality under
R.S.O. 1970,
c. 349

- 87.** Sections 59 and 60 of the said Act are repealed and the following substituted therefor:

s. 59,
re-enacted
s. 60,
repealed

59.—(1) On the 1st day of July, 1978, the Regional Area health unit, and the Halton Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Halton Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings that have been or may be instituted against that Board.

Health unit and Board dissolved

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by *The Public Health Act* and shall perform all the functions of such a board, and the functions that would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be.

Regional Corporation to have powers, etc., of local board
R.S.O. 1970,
c. 377

(3) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Public Health Act*.

Regional Corporation deemed municipality

Non-application of R.S.O. 1970, c. 377, ss. 15, 17

(4) Section 15 of *The Public Health Act* does not apply to the Regional Corporation, and section 17 of that Act does not apply to the clerk of the Regional Corporation.

Non-application of R.S.O. 1970, c. 377, ss. 13, 35

(5) Sections 13 and 35 of *The Public Health Act* do not apply to an area municipality.

Regional Corporation deemed local board

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 21 and 116 and subsections 2 and 5 of section 99 and Schedule B of *The Public Health Act*.

Clerk deemed secretary of local board of health

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 24 and 62 and subsection 2 of section 23, and subsection 7 of section 48 and Schedule B of *The Public Health Act*.

Application of R.S.O. 1970, c. 377, ss. 33, 96, 118 (2)

(8) For the purposes of sections 33 and 96 and subsection 2 of section 118 of *The Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1970, c. 377, s. 35

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 5 of section 35 of *The Public Health Act* employed by the Regional Corporation pursuant to subsection 13 shall be deemed to have been duly appointed under section 35 of *The Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1970, c. 377, s. 94 (1)

(10) For the purposes of subsection 1 of section 94 of *The Public Health Act*, a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Application of R.S.O. 1970, c. 377, ss. 125, 126

(11) The Regional Corporation may exercise the powers conferred by sections 125 and 126 of *The Public Health Act* and no area municipality may exercise such powers.

Recovery of expenditure

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures that under *The Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may, by by-law direct the appropriate area municipality to levy such amount or to add such

amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of *The Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected under this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

R.S.O. 1970.
c. 377

(13) The Regional Corporation shall offer to employ every person who, on the 30th day of June, 1978, is employed by the Halton Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 30th day of June, 1979, of not less than he was receiving on the 30th day of June, 1978.

Offer of
employment

(14) Subsections 2, 3 and 5 of section 27 apply with necessary modifications to the Regional Corporation and to persons employed under subsection 13 as though such persons were employed on the 30th day of June, 1978, by a local board of a local municipality within the Regional Area.

Application
of
s. 27 (2, 3, 5)

(15) Where a person employed under subsection 13 was not employed under a collective agreement on the 30th day of June, 1978, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Halton Regional Board of Health.

Sick leave
credits

(16) Nothing in subsections 13, 14 and 15 prevents the Regional Corporation from terminating the employment of an employee for cause.

Termina-
tion of
employ-
ment

88. The said Act is amended by adding thereto the following section:

s. 63a,
enacted

63a. Notwithstanding clause *g* of section 1 of *The Elderly Persons Centres Act*, the Regional Corporation shall be deemed to be a municipality for the purposes of such Act.

Regional
Corpora-
tion deemed
municipi-
pality under
R.S.O. 1970.
c. 140.

89. Subsection 3 of section 71 of the said Act is repealed and the following substituted therefor:

s. 71 (3),
re-enacted

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Halton Police Board appointed by the Lieutenant Governor in Council.

Remunera-
tion

R.S.O. 1970.
c. 351

90. Clause *b* of subsection 1 of section 72 of the said Act is repealed and the following substituted therefor:

s. 72 (1) (b),
re-enacted

R.S.O. 1970,
c. 351

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

s. 115 (1),
re-enacted

91. Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 36, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 41, 44, 63, 64, 65, 66, 67, 67a and 71a of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Commence-
ment

92.—(1) This Part, except sections 85, 86 and 90, comes into force on the day this Act receives Royal Assent.

Idem

(2) Sections 85, 86 and 90 shall be deemed to have come into force on the 1st day of January, 1974.

PART VIII

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

s. 8 (3),
re-enacted

93. Subsection 3 of section 8 of *The Regional Municipality of Hamilton-Wentworth Act*, 1973, being chapter 74, is repealed and the following substituted therefor:

Election of
members to
Regional
Council

(3) The council of each area municipality that is required to elect a member or members from among its own council members to the Regional Council shall at its first meeting after a regular election elect its members to the Regional Council.

s. 9 (2),
re-enacted

94.—(1) Subsection 2 of section 9 of the said Act is repealed and the following substituted therefor:

Election of
chairman

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

s. 9 (4),
re-enacted

(2) Subsection 4 of the said section 9 is repealed and the following substituted therefor:

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act.

Failure
to elect
chairman

- 95.** Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor:

s. 10 (2, 3),
re-enacted

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting
of area
councils

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

First
meeting of
Regional
Council

- 96.** Section 14 of the said Act is repealed.

s. 14,
repealed

- 97.** Subsection 2 of section 15 of the said Act is repealed.

s. 15 (2),
repealed

- 98.** Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

s. 19 (1),
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Application
of
R.S.O. 1970,
c. 284

- 99.** Subsection 2 of section 54 of the said Act is repealed and the following substituted therefor:

s. 54 (2),
re-enacted

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Hamilton-Wentworth Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes.

Designated
municipality
R.S.O. 1970,
c. 349

- 100.** Subsection 4 of section 55 of the said Act is repealed and the following substituted therefor:

s. 55 (4),
re-enacted

Regional
Corpora-
tion deemed
municipal-
ity under
R.S.O. 1970,
c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12a of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

s. 60 (2),
repealed

101. Subsection 2 of section 60 of the said Act is repealed.

s. 71 (3),
re-enacted

102. Subsection 3 of section 71 of the said Act is repealed and the following substituted therefor:

Remunera-
tion

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Hamilton-Wentworth Police Board appointed by the Lieutenant Governor in Council.

R.S.O. 1970,
c. 351

s. 72 (1) (b),
re-enacted

103. Clause *b* of subsection 1 of section 72 of the said Act is repealed and the following substituted therefor:

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

s. 115 (1),
re-enacted

104. Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 42, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 41, 44, 63, 64, 65, 66, 67, 67a and 71a of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Commence-
ment

105.—(1) This Part, except sections 99, 100 and 103, comes into force on the day this Act receives Royal Assent.

Idem

(2) Sections 99, 100 and 103 shall be deemed to have come into force on the 1st day of January, 1974.

PART IX

THE REGIONAL MUNICIPALITY OF DURHAM

106.—(1) Subsection 2 of section 9 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, is repealed and the following substituted therefor: s. 9 (2),
re-enacted

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of
chairman

(2) Subsection 4 of the said section 9 is repealed and the following substituted therefor: s. 9 (4),
re-enacted

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure
to elect
chairman

107. Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor: s. 10 (2, 3),
re-enacted

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences. First
meeting
of area
councils

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council. First
meeting of
Regional
Council

108. Section 14 of the said Act is repealed. s. 14,
repealed

109. Subsection 2 of section 15 of the said Act is repealed. s. 15 (2),
repealed

s. 19 (1),
re-enacted

- 110.** Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e and sections 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 62 (4),
re-enacted

- 111.** Subsection 4 of section 62 of the said Act is repealed and the following substituted therefor:

Regional
Corporation
deemed
municipality
under
R.S.O. 1970,
c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12a of section 29, sections 33, 43 and 44 of *The Planning Act*, and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

s. 65 (3),
re-enacted

- 112.** Subsection 3 of section 65 of the said Act is repealed and the following substituted therefor:

Remunera-
tion

R.S.O. 1970,
c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Durham Police Board appointed by the Lieutenant Governor in Council.

s. 66 (1) (b),
re-enacted

- 113.** Clause *b* of subsection 1 of section 66 of the said Act is repealed and the following substituted therefor:

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

s. 76 (2),
repealed

- 114.** Subsection 2 of section 76 of the said Act is repealed.

s. 123 (1),
re-enacted

- 115.** Subsection 1 of section 123 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 47, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66, 67, 67a and 71a of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and

XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation. R.S.O. 1970.
c. 284

116.—(1) This Part, except sections 111 and 113, comes into force on the day this Act receives Royal Assent. Commence-
ment

(2) Sections 111 and 113 shall be deemed to have come into force on the 1st day of January, 1974. Idem

PART X

THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

117.—(1) Subsection 2 of section 9 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, is repealed and the following substituted therefor: s. 9 (2),
re-enacted

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of
chairman

(2) Subsection 4 of the said section 9 is repealed and the following substituted therefor: s. 9 (4),
re-enacted

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure
to elect
chairman

118. Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor: s. 10 (2, 3),
re-enacted

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences. First
meeting
of area
councils

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area First
meeting of
Regional
Council

municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 14,
repealed

119. Section 14 of the said Act is repealed.

s. 15 (2),
repealed

120. Subsection 2 of section 15 of the said Act is repealed.

s. 19 (1),
re-enacted

121. Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e* and sections 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 54,
amended

122. Section 54 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by adding thereto the following subsection:

Separate
meeting as
planning
board not
required
R.S.O. 1970,
c. 349

(1*a*) Where the Regional Council meets in respect of matters pertaining to planning for the purposes of *The Planning Act*, no separate meeting of the council as a planning board is required.

s. 62 (2),
repealed

123. Subsection 2 of section 62 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed.

s. 73 (3),
re-enacted

124. Subsection 3 of section 73 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Remunera-
tion

R.S.O. 1970,
c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Haldimand-Norfolk Police Board appointed by the Lieutenant Governor in Council.

s. 74 (1) (b),
re-enacted

125. Clause *b* of subsection 1 of section 74 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

126. Subsection 1 of section 119 of the said Act, as re-enacted by ^{s. 119 (1),} the Statutes of Ontario, 1977, chapter 34, section 52, is ^{re-enacted} repealed and the following substituted therefor:

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, ^{Application of} subsections 1, 4 and 5 of section 237, sections 238, 239, ^{R.S.O. 1970, c. 284} 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66, 67, 67a, 71a and 74 of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

127.—(1) This Part, except sections 122 and 125, comes into force ^{Commence-} on the day this Act receives Royal Assent. ^{ment}

(2) Sections 122 and 125 shall be deemed to have come into ^{Idem} force on the 1st day of April, 1974.

128. The short title of this Act is *The Regional Municipalities* ^{Short title} *Amendment Act, 1978.*

An Act to amend certain Acts
respecting Regional Municipalities

1st Reading

May 11th, 1978

2nd Reading

May 30th, 1978

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

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Publication

BILL 81

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend certain Acts respecting
Regional Municipalities**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



BILL 81

1978

An Act to amend certain Acts respecting Regional Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

- 1.—(1) Subsection 2 of section 4 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 138, section 2, is repealed and the following substituted therefor: s. 4 (2).
re-enacted

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of
chairman

- (2) Subsection 5 of the said section 4, as amended by the Statutes of Ontario, 1973, chapter 138, section 2, is repealed and the following substituted therefor: s. 4 (5).
re-enacted

(5) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure
to elect
chairman

s. 8 (2, 3),
re-enacted

2. Subsections 2 and 3 of section 8 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 138, section 4, are repealed and the following substituted therefor:

First
meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 12,
repealed

3. Section 12 of the said Act is repealed.

s. 13 (3),
repealed

4. Subsection 3 of section 13 of the said Act is repealed.

s. 14 (2),
repealed

5. Subsection 2 of section 14 of the said Act is repealed.

s. 18 (1),
re-enacted

6. Subsection 1 of section 18 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e and 390 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 67b (4),
repealed

7. Subsection 4 of section 67b of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 126, section 14, is repealed.

s. 69 (5),
re-enacted

8. Subsection 5 of section 69 of the said Act is repealed and the following substituted therefor:

Regional
Corpora-
tion deemed
municipality under
R.S.O. 1970,
c. 349

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12a of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

9. The said Act is amended by adding thereto the following section: s. 69b,
enacted

69b. The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Ottawa-Carleton Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes. Designated
municipi-
pality
R.S.O. 1970.
c. 349

10. Subsection 2 of section 77 of the said Act is repealed. s. 77 (2),
repealed
11. Subsection 1 of section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 6, is repealed and the following substituted therefor: s. 124 (1),
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 242b, 248a, 249 and 254, subsection 3 of section 308, section 333, paragraphs 3, 10, 11, 12, 24, 41, 67a and 71a of section 352, sections 391 and 394 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application
of
R.S.O. 1970.
c. 284

- 12.—(1) Where in the year 1978 an area municipality has not complied with section 17 of *The Municipal Elections Act, 1977*, the clerk of the area municipality shall divide the municipality into polling subdivisions and shall, not later than the 1st day of July, 1978, inform the assessment commissioner of the boundaries of each subdivision. Polling
subdivi-
sions
1977, c. 62

- (2) Notwithstanding clause a of section 18 of *The Municipal Elections Act, 1977*, where in 1976 an area municipality authorized the use of voting recorders at the municipal elections held in that year, the clerk of the area municipality may for the purposes of the municipal elections to be held in 1978 divide the municipality into polling subdivisions that contain more than 350 electors. Size of
polling
subdivi-
sions

- 13.—(1) This Part, except section 8, comes into force on the day this Act receives Royal Assent. Commence-
ment

- (2) Section 8 shall be deemed to have come into force on the 1st day of January, 1969. Idem

PART II

THE REGIONAL MUNICIPALITY OF NIAGARA

14. Section 4 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is repealed. s. 4,
repealed

s. 7 (3).
re-enacted

15.—(1) Subsection 3 of section 7 of the said Act is repealed and the following substituted therefor:

Election of
chairman

(3) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 19 shall preside until the chairman is elected.

s. 7 (5).
re-enacted

(2) subsection 5 of the said section 7 is repealed and the following substituted therefor:

Failure
to elect
chairman

(5) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act.

s. 9 (2, 3).
re-enacted

16. Subsections 2 and 3 of section 9 of the said Act are repealed and the following substituted therefor:

First
meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 13.
repealed

17. Section 13 of the said Act is repealed.

s. 14 (2).
repealed

18. Subsection 2 of section 14 of the said Act is repealed.

s. 18 (1).
re-enacted

19. Subsection 1 of section 18 of the said Act is repealed and the following substituted therefor:

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1970. c. 284

- 20.** Subsection 2 of section 91 of the said Act is repealed and the following substituted therefor: s. 91 (2), re-enacted

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Niagara Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes. Designated municipality R.S.O. 1970. c. 349

- 21.** Subsection 5 of section 92 of the said Act is repealed and the following substituted therefor: s. 92 (5), re-enacted

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, subsection 12*a* of section 29, sections 33, 43 and 44 of *The Planning Act*, and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required. Regional Corporation deemed municipality under R.S.O. 1970. c. 349

- 22.** Subsection 2 of section 97 of the said Act is repealed. s. 97 (2), repealed

- 23.** Subsection 3 of section 109 of the said Act is repealed and the following substituted therefor: s. 109 (3), re-enacted

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act* to members of the Niagara Police Board appointed by the Lieutenant Governor in Council. Remuneration R.S.O. 1970. c. 351

- 24.** Clause *b* of subsection 1 of section 110 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 77, section 2, is repealed and the following substituted therefor: s. 110 (1) (b), re-enacted

(*b*) *The Police Act*, except section 68, does not apply to any area municipality; and

- 25.** Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 10, is repealed and the following substituted therefor: s. 154 (1), re-enacted

Application
of
R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 242b, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 41, 67a and 71a of section 352, paragraph 61 of subsection 1 of section 354, section 394 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Commence-
ment

26.—(1) This Part, except sections 20, 21 and 24, comes into force on the day this Act receives Royal Assent.

Idem

(2) Sections 20, 21 and 24 shall be deemed to have come into force on the 1st day of January, 1970.

PART III

THE REGIONAL MUNICIPALITY OF YORK

s. 3.
amended

27. Section 3 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 78, section 2, 1976, chapter 43, section 27 and 1977 chapter 34, section 11, is further amended by adding thereto the following subsection:

Composi-
tion of
council of
Town of
Markham

(1a) Notwithstanding paragraph 2 of subsection 1, on and after the 1st day of December, 1978 the council of the Town of Markham shall, in addition to the mayor, be composed of ten members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3a, seven members elected by wards.

s. 4.
repealed

28. Section 4 of the said Act is repealed.

s. 7.
re-enacted

29. Section 7 of the said Act is repealed and the following substituted therefor:

Composi-
tion of
Regional
Council

7. The Regional Council shall consist of eighteen members composed of a chairman and,

(a) the head of the council of each area municipality;

(b) three members of the council of the area municipality of the Town of Markham who have been elected as members of the Regional Council and of the council of such area municipality;

- (c) one member of the council of the area municipality of the Town of Newmarket who has been elected as a member of the Regional Council and of the council of such area municipality;
- (d) two members of the council of the area municipality of the Town of Richmond Hill who have been elected as members of the Regional Council and of the council of such area municipality;
- (e) one member of the council of the area municipality of the Town of Vaughan who has been elected as a member of the Regional Council and of the council of such area municipality;
- (f) one member of the council of the area municipality of the Township of Georgina who has been elected as a member of the Regional Council and of the council of such area municipality.

30.—(1) Subsection 2 of section 8 of the said Act is repealed and the following substituted therefor: s. 8 (2),
re-enacted

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 19 shall preside until the chairman is elected. Election of
chairman

(2) Subsection 4 of the said section 8 is repealed and the following substituted therefor: s. 8 (4),
re-enacted

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure
to elect
chairman

31. Subsections 2 and 3 of section 9 of the said Act are repealed and the following substituted therefor: s. 9 (2, 3),
re-enacted

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day First
meeting
of area
councils

following the day on which the term of office in respect of which the election was held commences.

First
meeting
of Regional
Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 11 (1),
amended

32. Subsection 1 of section 11 of the said Act is amended by striking out "Nine" in the first line and inserting in lieu thereof "Ten".

s. 13,
repealed

33. Section 13 of the said Act is repealed.

s. 14 (2),
repealed

34. Subsection 2 of section 14 of the said Act is repealed.

s. 18 (1),
re-enacted

35. Subsection 1 of section 18 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e and sections 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 55 (2),
re-enacted

36. Subsection 2 of section 55 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 75, section 3, is repealed and the following substituted therefor:

Contracts
for disposal
of sewage,
etc.,
Regional
Corpora-
tion

(2) The Regional Corporation and any local, regional or metropolitan municipality outside the Regional Area may enter into a contract to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality or from the Regional Area on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Contracts
for disposal
of land
drainage,
area
muni-
cipalities

(2a) Subject to the approval of the Regional Council, an area municipality and any local, regional or metropolitan municipality outside the Regional Area may enter into a contract to receive and dispose of land drainage from the local, regional or metropolitan municipality or from the area municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

- 37.** Subsection 2 of section 89 of the said Act is repealed and the following substituted therefor: s. 89 (2), re-enacted

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the York Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes. Designated municipality R.S.O. 1970, c. 349

- 38.** Subsection 5 of section 90 of the said Act is repealed and the following substituted therefor: s. 90 (5), re-enacted

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, subsection 12a of section 29, 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required. Regional Corporation deemed municipality under R.S.O. 1970, c. 349

- 39.** Section 94, and section 95 as amended by the Statutes of Ontario, 1972, chapter 78, section 10, of the said Act, are repealed and the following substituted therefor: s. 94, re-enacted s. 95, repealed

94.—(1) On the 1st day of July, 1978, the Regional Area health unit, and the York Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of The York Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board. Health unit and Board dissolved

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by *The Public Health Act* and shall perform all the functions of such a board, and the functions that would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be. Regional Corporation to have powers, etc., of local board of health R.S.O. 1970, c. 377

(3) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Public Health Act*. Regional Corporation deemed municipality

Non-application of R.S.O. 1970, c. 377, ss. 15, 17

(4) Section 15 of *The Public Health Act* does not apply to the Regional Corporation, and section 17 of that Act does not apply to the officer appointed under section 19 of this Act.

Non-application of R.S.O. 1970, c. 377, ss. 13, 35

(5) Sections 13 and 35 of *The Public Health Act* do not apply to an area municipality.

Regional Corporation deemed local board

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 21 and 116 and subsections 2 and 5 of section 99 and Schedule B of *The Public Health Act*.

Deemed secretary of local board of health

(7) The officer appointed under section 19 shall be deemed to be the secretary of a local board for the purposes of sections 24 and 62 and subsection 2 of section 23, and subsection 7 of section 48 and Schedule B of *The Public Health Act*.

Application of R.S.O. 1970, c. 377, ss. 33, 96, 118 (2).

(8) For the purposes of sections 33 and 96 and subsection 2 of section 118 of *The Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1970, c. 377, s. 35

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 5 of section 35 of *The Public Health Act* employed by the Regional Corporation under subsection 13 shall be deemed to have been duly appointed under section 35 of *The Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1970, c. 377, s. 94 (1)

(10) For the purposes of subsection 1 of section 94 of *The Public Health Act*, a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Application of R.S.O. 1970, c. 377, ss. 125, 126

(11) The Regional Corporation may exercise the powers conferred by sections 125 and 126 of *The Public Health Act* and no area municipality may exercise such powers.

Recovery of expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures that under *The Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may, by by-law direct the appropriate

area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of *The Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected under this subsection shall forthwith be paid over to the financial officer of the Regional Corporation.

(13) The Regional Corporation shall offer to employ every person who, on the 30th day of June, 1978, is employed by The York Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 30th day of June, 1979, of not less than he was receiving on the 30th day of June, 1978. Offer of employment

(14) Subsections 2, 3 and 5 of section 26 apply with necessary modifications to the Regional Corporation and to persons employed under subsection 13 as though such persons were employed on the 30th day of June, 1978, by a local board of a local municipality within the Regional Area. Application of s. 26 (2, 3, 5)

(15) Where a person employed under subsection 13 was not employed under a collective agreement on the 30th day of June, 1978, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of The York Regional Board of Health. Sick leave credits

(16) Nothing in subsections 13, 14 and 15 prevents the Regional Corporation from terminating the employment of an employee for cause. Termination of employment

40. Subsection 3 of section 106 of the said Act is repealed and the following substituted therefor: s. 106 (3), re-enacted

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the York Police Board appointed by the Lieutenant Governor in Council. Remuneration R.S.O. 1970, c. 351

41. Clause *b* of subsection 1 of section 107 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 75, section 4, is repealed and the following substituted therefor: s. 107 (1) (b), re-enacted

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

s. 149 (1),
re-enacted

- 42.** Subsection 1 of section 149 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 15, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 246, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 41, 67*a* and 71*a* of section 352, and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Commence-
ment

- 43.**—(1) This Part, except sections 29, 32, 37, 38 and 41, comes into force on the day this Act receives Royal Assent.

Idem

(2) Sections 37, 38 and 41 shall be deemed to have come into force on the 1st day of January, 1971.

Idem

(3) Sections 29 and 32 come into force on the 1st day of December, 1978.

PART IV

THE REGIONAL MUNICIPALITY OF WATERLOO

s. 8 (3),
re-enacted

- 44.** Subsection 3 of section 8 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, as amended by the Statutes of Ontario, 1973, chapter 137, section 2, is repealed and the following substituted therefor:

Election of
members to
Regional
Council

(3) The council of each area municipality, except the City of Waterloo, the City of Kitchener and the Township of Wilmot, shall at its first meeting after a regular election elect its members to the Regional Council.

s. 9 (2),
re-enacted

- 45.**—(1) Subsection 2 of section 9 of the said Act is repealed and the following substituted therefor:

Election of
chairman

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

s. 9 (4),
re-enacted

- (2) Subsection 4 of the said section 9 is repealed and the following substituted therefor:

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act.

Failure to
elect
chairman

- 46.** Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor:

s. 10 (2, 3).
re-enacted

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First meeting
of area
councils

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

First meeting
of Regional
Council

- 47.** Section 14 of the said Act is repealed.

s. 14,
repealed

- 48.** Subsection 2 of section 15 of the said Act is repealed.

s. 15 (2),
repealed

- 49.** Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

s. 19 (1).
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Application
of
R.S.O. 1970,
c. 284

- 50.** The said Act is amended by adding thereto the following section:

s. 81a,
enacted

81a.—(1) The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway under the jurisdiction and control of the Regional Corporation for the construction, maintenance and use of buildings or parts thereof, over, across or under the highway upon such terms and conditions as may be agreed and for leasing or licensing the use of the air space over the highway or the lands under the highway

Regional
Council may
enter into
agreements
respecting
building
above or
beneath
regional
roads

to such persons and for such consideration and upon such terms and conditions as may be agreed.

Approval of
Minister of
Transporta-
tion and
Communica-
tions
R.S.O. 1970,
c. 201

(2) An agreement made under subsection 1 that affects a highway or a highway right-of-way that is a connecting link, within the meaning of section 19 of *The Public Transportation and Highway Improvement Act* shall have no effect until approved by the Minister of Transportation and Communications.

s. 94 (2),
re-enacted

- 51.** Subsection 2 of section 94 of the said Act is repealed and the following substituted therefor:

Designated
municipal-
ity
R.S.O. 1970,
c. 349

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Waterloo Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes.

s. 95 (4),
re-enacted

- 52.** Subsection 4 of section 95 of the said Act is repealed and the following substituted therefor:

Regional
Corporation
deemed
municipal-
ity under
R.S.O. 1970,
c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12a of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

s. 113 (3),
re-enacted

- 53.** Subsection 3 of section 113 of the said Act is repealed and the following substituted therefor:

Remunera-
tion

R.S.O. 1970,
c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Waterloo Police Board appointed by the Lieutenant Governor in Council.

s. 114 (1) (b),
re-enacted

- 54.** Clause *b* of subsection 1 of section 114 of the said Act is repealed and the following substituted therefor:

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

- 55.** Subsection 1 of section 158 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 21, is repealed and the following substituted therefor: s. 158 (1), re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 246, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 41, 67*a* and 71*a* of section 352, and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1970, c. 284

- 56.**—(1) This Part, except sections 51, 52 and 54, comes into force on the day this Act receives Royal Assent. Commencement

(2) Sections 51, 52 and 54 shall be deemed to have come into force on the 1st day of January, 1973. Idem

PART V

THE REGIONAL MUNICIPALITY OF SUDBURY

- 57.** Subsection 3 of section 8 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, as amended by the Statutes of Ontario, 1973, chapter 139, section 1, is repealed. s. 8 (3), repealed

- 58.**—(1) Subsection 2 of section 9 of the said Act is repealed and the following substituted therefor: s. 9 (2), re-enacted

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

- (2) Subsection 4 of the said section 9 is repealed and the following substituted therefor: s. 9 (4), re-enacted

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure to elect chairman

s. 10 (2, 3),
re-enacted

- 59.** Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor:

First meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First meeting
of Regional
Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 14,
repealed

- 60.** Section 14 of the said Act is repealed.

s. 15 (2),
repealed

- 61.** Subsection 2 of section 15 of the said Act is repealed.

s. 19 (1),
re-enacted

- 62.** Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Application
of
R.S.O. 1970,
c. 284

s. 33 (2),
re-enacted

- 63.** Subsection 2 of section 33 of the said Act is repealed and the following substituted therefor:

Regional
Council to
be planning
board;
separate
meeting not
required
R.S.O. 1970,
c. 349

(2) The Regional Council shall be the planning board of the Sudbury Planning Area and where the Regional Council meets in respect of matters pertaining to *The Planning Act*, no separate meeting of the Council as a planning board is required.

s. 46 (3),
re-enacted

- 64.** Subsection 3 of section 46 of the said Act is repealed and the following substituted therefor:

Remunera-
tion

R.S.O. 1970,
c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Sudbury Police Board appointed by the Lieutenant Governor in Council.

s. 47 (1) (b),
re-enacted

- 65.** Clause *b* of subsection 1 of section 47 of the said Act is repealed and the following substituted therefor:

- (b) *The Police Act*, except section 68, does not apply to any area municipality; and R.S.O. 1970.
c. 351

66. Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 26, is repealed and the following substituted therefor: s. 115 (1).
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 242b, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 41, 67a and 71a of section 352, and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application
of
R.S.O. 1970.
c. 284

67.—(1) This Part, except sections 63 and 65, comes into force on the day this Act receives Royal Assent. Commence-
ment

(2) Sections 63 and 65 shall be deemed to have come into force on the 1st day of January, 1973. Idem

PART VI

THE REGIONAL MUNICIPALITY OF PEEL

68.—(1) Subsection 2 of section 9 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, is repealed and the following substituted therefor: s. 9 (2).
re-enacted

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of
chairman

(2) Subsection 4 of the said section 9 is repealed and the following substituted therefor: s. 9 (4).
re-enacted

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure
to elect
chairman

s. 10 (2, 3),
re-enacted

- 69.** Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor:

First meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First meeting
of Regional
Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 14,
repealed

- 70.** Section 14 of the said Act is repealed.

s. 15 (2),
repealed

- 71.** Subsection 2 of section 15 of the said Act is repealed.

s. 19 (1),
re-enacted

- 72.** Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 54 (2),
re-enacted

- 73.** Subsection 2 of section 54 of the said Act is repealed and the following substituted therefor:

Designated
municipality
R.S.O. 1970,
c. 349

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Peel Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes.

s. 55 (4),
re-enacted

- 74.** Subsection 4 of section 55 of the said Act is repealed and the following substituted therefor:

Regional
Corporation deemed
municipality under
R.S.O. 1970,
c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12a of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for

the purposes aforesaid, no separate meeting of the Council as a planning board is required.

- 75.** Subsection 2 of section 60 of the said Act is repealed. s. 60 (2),
repealed
- 76.** Subsection 3 of section 71 of the said Act is repealed and the following substituted therefor: s. 71 (3),
re-enacted

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Peel Police Board appointed by the Lieutenant Governor in Council. Remuneration
R.S.O. 1970.
c. 351

- 77.** Clause *b* of subsection 1 of section 72 of the said Act is repealed and the following substituted therefor: s. 72 (1) (b),
re-enacted

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

- 78.** Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 31, is repealed and the following substituted therefor: s. 115 (1),
re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66, 67, 67a and 71a of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application
of
R.S.O. 1970.
c. 284

- 79.**—(1) This Part, except sections 73, 74 and 77, comes into force on the day this Act receives Royal Assent. Commence-
ment
- (2) Sections 73, 74 and 77 shall be deemed to have come into force on the 1st day of January, 1974. Idem

PART VII

THE REGIONAL MUNICIPALITY OF HALTON

- 80.**—(1) Subsection 2 of section 9 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, is repealed and the following substituted therefor: s. 9 (2),
re-enacted

Election of
chairman

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

s. 9 (4),
re-enacted

(2) Subsection 4 of the said section 9 is repealed and the following substituted therefor:

Failure
to elect
chairman

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act.

s. 10 (2, 3),
re-enacted

81. Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor:

First
meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 14,
repealed

82. Section 14 of the said Act is repealed.

s. 15 (2),
repealed

83. Subsection 2 of section 15 of the said Act is repealed.

s. 19 (1),
re-enacted

84. Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 54 (2),
re-enacted

85. Subsection 2 of section 54 of the said Act is repealed and the following substituted therefor:

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Halton Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes.

Designated municipality
R.S.O. 1970,
c. 349

- 86.** Subsection 4 of section 55 of the said Act is repealed and the following substituted therefor:

s. 55 (4),
re-enacted

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12a of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

Regional Corporation deemed municipality under
R.S.O. 1970,
c. 349

- 87.** Sections 59 and 60 of the said Act are repealed and the following substituted therefor:

s. 59,
re-enacted
s. 60,
repealed

59.—(1) On the 1st day of July, 1978, the Regional Area health unit, and the Halton Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Halton Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings that have been or may be instituted against that Board.

Health unit and Board dissolved

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by *The Public Health Act* and shall perform all the functions of such a board, and the functions that would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be.

Regional Corporation to have powers, etc., of local board
R.S.O. 1970,
c. 377

(3) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Public Health Act*.

Regional Corporation deemed municipality

Non-application of R.S.O. 1970, c. 377, ss. 15, 17

(4) Section 15 of *The Public Health Act* does not apply to the Regional Corporation, and section 17 of that Act does not apply to the clerk of the Regional Corporation.

Non-application of R.S.O. 1970, c. 377, ss. 13, 35

(5) Sections 13 and 35 of *The Public Health Act* do not apply to an area municipality.

Regional Corporation deemed local board

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 21 and 116 and subsections 2 and 5 of section 99 and Schedule B of *The Public Health Act*.

Clerk deemed secretary of local board of health

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 24 and 62 and subsection 2 of section 23, and subsection 7 of section 48 and Schedule B of *The Public Health Act*.

Application of R.S.O. 1970, c. 377, ss. 33, 96, 118 (2)

(8) For the purposes of sections 33 and 96 and subsection 2 of section 118 of *The Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1970, c. 377, s. 35

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 5 of section 35 of *The Public Health Act* employed by the Regional Corporation pursuant to subsection 13 shall be deemed to have been duly appointed under section 35 of *The Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1970, c. 377, s. 94 (1)

(10) For the purposes of subsection 1 of section 94 of *The Public Health Act*, a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Application of R.S.O. 1970, c. 377, ss. 125, 126

(11) The Regional Corporation may exercise the powers conferred by sections 125 and 126 of *The Public Health Act* and no area municipality may exercise such powers.

Recovery of expenditure

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures that under *The Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may, by by-law direct the appropriate area municipality to levy such amount or to add such

amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of *The Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected under this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

R.S.O. 1970.
c. 377

(13) The Regional Corporation shall offer to employ every person who, on the 30th day of June, 1978, is employed by the Halton Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 30th day of June, 1979, of not less than he was receiving on the 30th day of June, 1978.

Offer of
employ-
ment

(14) Subsections 2, 3 and 5 of section 27 apply with necessary modifications to the Regional Corporation and to persons employed under subsection 13 as though such persons were employed on the 30th day of June, 1978, by a local board of a local municipality within the Regional Area.

Application
of
s. 27 (2, 3, 5)

(15) Where a person employed under subsection 13 was not employed under a collective agreement on the 30th day of June, 1978, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Halton Regional Board of Health.

Sick leave
credits

(16) Nothing in subsections 13, 14 and 15 prevents the Regional Corporation from terminating the employment of an employee for cause.

Termina-
tion of
employ-
ment

88. The said Act is amended by adding thereto the following section:

s. 63a,
enacted

63a. Notwithstanding clause *g* of section 1 of *The Elderly Persons Centres Act*, the Regional Corporation shall be deemed to be a municipality for the purposes of such Act.

Regional
Corpora-
tion deemed
municipal-
ity under
R.S.O. 1970.
c. 140.

89. Subsection 3 of section 71 of the said Act is repealed and the following substituted therefor:

s. 71 (3),
re-enacted

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Halton Police Board appointed by the Lieutenant Governor in Council.

Remunera-
tion

R.S.O. 1970.
c. 351

90. Clause *b* of subsection 1 of section 72 of the said Act is repealed and the following substituted therefor:

s. 72 (1) (b),
re-enacted

R.S.O. 1970,
c. 351

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

s. 115 (1),
re-enacted

91. Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 36, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 41, 44, 63, 64, 65, 66, 67, 67a and 71a of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Commence-
ment

92.—(1) This Part, except sections 85, 86 and 90, comes into force on the day this Act receives Royal Assent.

Idem

(2) Sections 85, 86 and 90 shall be deemed to have come into force on the 1st day of January, 1974.

PART VIII

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

s. 8 (3),
re-enacted

93. Subsection 3 of section 8 of *The Regional Municipality of Hamilton-Wentworth Act*, 1973, being chapter 74, is repealed and the following substituted therefor:

Election of
members to
Regional
Council

(3) The council of each area municipality that is required to elect a member or members from among its own council members to the Regional Council shall at its first meeting after a regular election elect its members to the Regional Council.

s. 9 (2),
re-enacted

94.—(1) Subsection 2 of section 9 of the said Act is repealed and the following substituted therefor:

Election of
chairman

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

s. 9 (4),
re-enacted

(2) Subsection 4 of the said section 9 is repealed and the following substituted therefor:

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act.

Failure
to elect
chairman

- 95.** Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor:

s. 10 (2, 3).
re-enacted

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting
of area
councils

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

First
meeting of
Regional
Council

- 96.** Section 14 of the said Act is repealed.

s. 14,
repealed

- 97.** Subsection 2 of section 15 of the said Act is repealed.

s. 15 (2).
repealed

- 98.** Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

s. 19 (1).
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Application
of
R.S.O. 1970.
c. 284

- 99.** Subsection 2 of section 54 of the said Act is repealed and the following substituted therefor:

s. 54 (2).
re-enacted

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Hamilton-Wentworth Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes.

Designated
municipality
R.S.O. 1970.
c. 349

- 100.** Subsection 4 of section 55 of the said Act is repealed and the following substituted therefor:

s. 55 (4).
re-enacted

Regional
Corpora-
tion deemed
muni-
cipality under
R.S.O. 1970,
c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12*a* of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

s. 60 (2),
repealed

101. Subsection 2 of section 60 of the said Act is repealed.

s. 71 (3),
re-enacted

102. Subsection 3 of section 71 of the said Act is repealed and the following substituted therefor:

Remunera-
tion

R.S.O. 1970,
c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Hamilton-Wentworth Police Board appointed by the Lieutenant Governor in Council.

s. 72 (1) (b),
re-enacted

103. Clause *b* of subsection 1 of section 72 of the said Act is repealed and the following substituted therefor:

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

s. 115 (1),
re-enacted

104. Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 42, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242*a*, 242*b*, 245, 248*a*, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 41, 44, 63, 64, 65, 66, 67, 67*a* and 71*a* of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Commence-
ment

105.—(1) This Part, except sections 99, 100 and 103, comes into force on the day this Act receives Royal Assent.

Idem

(2) Sections 99, 100 and 103 shall be deemed to have come into force on the 1st day of January, 1974.

PART IX

THE REGIONAL MUNICIPALITY OF DURHAM

106.—(1) Subsection 2 of section 9 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, is repealed and the following substituted therefor: s. 9 (2),
re-enacted

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of
chairman

(2) Subsection 4 of the said section 9 is repealed and the following substituted therefor: s. 9 (4),
re-enacted

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure
to elect
chairman

107. Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor: s. 10 (2, 3),
re-enacted

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences. First
meeting
of area
councils

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council. First
meeting of
Regional
Council

108. Section 14 of the said Act is repealed. s. 14,
repealed

109. Subsection 2 of section 15 of the said Act is repealed. s. 15 (2),
repealed

s. 19 (1),
re-enacted

- 110.** Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e* and sections 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 62 (4),
re-enacted

- 111.** Subsection 4 of section 62 of the said Act is repealed and the following substituted therefor:

Regional
Corpora-
tion deemed
muni-
cipality under
R.S.O. 1970,
c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12*a* of section 29, sections 33, 43 and 44 of *The Planning Act*, and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

s. 65 (3),
re-enacted

- 112.** Subsection 3 of section 65 of the said Act is repealed and the following substituted therefor:

Remunera-
tion

R.S.O. 1970,
c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Durham Police Board appointed by the Lieutenant Governor in Council.

s. 66 (1) (b),
re-enacted

- 113.** Clause *b* of subsection 1 of section 66 of the said Act is repealed and the following substituted therefor:

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

s. 76 (2),
repealed

- 114.** Subsection 2 of section 76 of the said Act is repealed.

s. 123 (1),
re-enacted

- 115.** Subsection 1 of section 123 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 47, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242*a*, 242*b*, 245, 248*a*, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66, 67, 67*a* and 71*a* of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and

XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation. R.S.O. 1970.
c. 284

- 116.**—(1) This Part, except sections 111 and 113, comes into force on the day this Act receives Royal Assent. Commence-
ment
- (2) Sections 111 and 113 shall be deemed to have come into force on the 1st day of January, 1974. Idem

PART X

THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

- 117.**—(1) Subsection 2 of section 9 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, is repealed and the following substituted therefor: s. 9 (2),
re-enacted

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of
chairman

- (2) Subsection 4 of the said section 9 is repealed and the following substituted therefor: s. 9 (4),
re-enacted

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure
to elect
chairman

- 118.** Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor: s. 10 (2, 3),
re-enacted

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences. First
meeting
of area
councils

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area First
meeting
of
Regional
Council

municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 14,
repealed

119. Section 14 of the said Act is repealed.

s. 15 (2),
repealed

120. Subsection 2 of section 15 of the said Act is repealed.

s. 19 (1),
re-enacted

121. Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e* and sections 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 54,
amended

122. Section 54 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by adding thereto the following subsection:

Separate
meeting as
planning
board not
required
R.S.O. 1970,
c. 349

(1*a*) Where the Regional Council meets in respect of matters pertaining to planning for the purposes of *The Planning Act*, no separate meeting of the council as a planning board is required.

s. 62 (2),
repealed

123. Subsection 2 of section 62 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed.

s. 73 (3),
re-enacted

124. Subsection 3 of section 73 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Remunera-
tion

R.S.O. 1970,
c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Haldimand-Norfolk Police Board appointed by the Lieutenant Governor in Council.

s. 74 (1) (b),
re-enacted

125. Clause *b* of subsection 1 of section 74 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

(b) *The Police Act*, except section 68, does not apply to any area municipality; and

126. Subsection 1 of section 119 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 52, is repealed and the following substituted therefor: s. 119 (1), re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66, 67, 67a, 71a and 74 of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1970. c. 284

127.—(1) This Part, except sections 122 and 125, comes into force on the day this Act receives Royal Assent. Commencement

(2) Sections 122 and 125 shall be deemed to have come into force on the 1st day of April, 1974. Idem

128. The short title of this Act is *The Regional Municipalities Amendment Act, 1978*. Short title

An Act to amend certain Acts
respecting Regional Municipalities

1st Reading

May 11th, 1978

2nd Reading

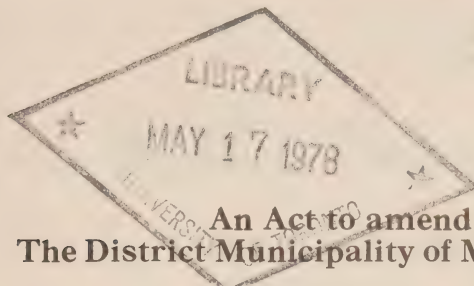
May 30th, 1978

3rd Reading

June 13th, 1978

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

2ND SESSION, 31ST LEGISLATURE, (ONTARIO
27 ELIZABETH II, 1978



**An Act to amend
The District Municipality of Muskoka Act**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. The section to be repealed provided for elections in 1972 and various other matters now governed by *The Municipal Elections Act, 1977*. The provisions of the section are accordingly either spent or superseded.

SECTION 2. Subsection 3 of section 7 of the Act now reads as follows:

- (3) *In the year 1973 and in every second year thereafter, the council of each area municipality shall at its first meeting in each such year elect its members to the District Council.*

The re-enactment reflects the change in the commencement of the term of office of municipal councils to the 1st day of December in an election year made by *The Municipal Elections Act, 1977*.

SECTION 3. Subsection 2 and subsection 4 of section 8 of the Act now read as follows:

- (2) *At the first meeting of the District Council in the year 1975 and in every second year thereafter at which a quorum is present, the District Council shall organize as a council and elect as chairman one of the members of the District Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.*
- (4) *If, at the first meeting of the District Council in the year 1975 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.*

The amendments are designed to make it clear that the term of office of the chairman corresponds to that of the council.

BILL 82

1978

An Act to amend The District Municipality of Muskoka Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The District Municipality of Muskoka Act*,<sup>s. 4.
repealed</sup> being chapter 131 of the Revised Statutes of Ontario, 1970, is repealed.
2. Subsection 3 of section 7 of the said Act is repealed and the<sup>s. 7 (3).
re-enacted</sup> following substituted therefor:

(3) The council of each area municipality shall at its first meeting after a regular election elect its members to the District Council.<sup>Election of
members to
District
Council</sup>
- 3.—(1) Subsection 2 of section 8 of the said Act is repealed and the<sup>s. 8 (2).
re-enacted</sup> following substituted therefor:

(2) At the first meeting of the District Council after a regular election at which a quorum is present, the District Council shall organize as a council and elect as chairman one of the members of the District Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.<sup>Election of
chairman</sup>

(2) Subsection 4 of the said section 8 is repealed and the<sup>s. 8 (4).
re-enacted</sup> following substituted therefor:

(4) If, at the first meeting of the District Council after a regular election, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant<sup>Failure
to elect
chairman</sup>

Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act.

s. 9 (2, 3),
re-enacted

4. Subsections 2 and 3 of section 9 of the said Act are repealed and the following substituted therefor:

First
meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting of
District
Council

(3) The first meeting of the District Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the District Council.

s. 12,
repealed

5. Section 12 of the said Act is repealed.

s. 17,
amended

6. Section 17 of the said Act is amended by adding thereto the following subsection:

Idem
R.S.O. 1970,
c. 284

(3) Sections 388, 389, 389a to 389e, 390 and 391 of *The Municipal Act* apply with necessary modifications to the District Council.

s. 69 (5),
re-enacted

7. Subsection 5 of section 69 of the said Act is repealed and the following substituted therefor:

District
Corpora-
tion deemed
municipality under
R.S.O. 1970,
c. 349

(5) Subject to this Part, the District Corporation shall be deemed to be a municipality and the District Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12a of section 29, sections 33, 43 and 44 of *The Planning Act* and where the District Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

s. 130 (1),
re-enacted

8. Subsection 1 of section 130 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 35, section 4, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 242b, 248a, 249 and 254, subsection 3 of section 308,

SECTION 4. Subsections 2 and 3 of section 9 of the Act now provide that area councils are to hold their first meetings after an election not later than the 8th day of January, while the District Council is to hold its first meeting after the area councils have held their first meetings, but in any event not later than the 15th day of January. The re-enactment of the two subsections reflects the change in the commencement of the term of office of a new council from the 1st day of January to the 1st day of December as provided in *The Municipal Elections Act, 1977*.

SECTION 5. The section to be repealed reads as follows:

12. Members of the District Council, including the chairman, may be paid for services performed on and after the 1st day of January, 1971, such annual and other remuneration as the District Council may determine.

This specific provision will be replaced by the amendment made by section 6 of the Bill that makes applicable to the District Council those sections of *The Municipal Act* that apply generally to the payment by municipalities of remuneration and expenses to members of councils and local boards.

SECTION 6. See the Note to section 5 of the Bill.

The effect is to place the District Municipality of Muskoka on the same footing as all other municipalities with respect to the payment of remuneration and expenses to members of council and of local boards.

SECTION 7. The re-enactment of subsection 5 of section 69 of the Act adds to the end of the subsection as it now reads the words "and where the District Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required".

SECTION 8. The re-enactment of subsection 1 of section 130 of the Act adds the following provisions of *The Municipal Act* as those applicable to the District Corporation: section 242b, paragraphs 67a and 71a of section 352 and paragraph 10 of section 460. These are new provisions added by *The Municipal Amendment Act, 1978* and provide respectively authority for authorizing hearings by a committee rather than the full council, providing liability insurance for employees, establishing bicycle paths and designating bicycle lanes on highways.

section 333, paragraphs 3, 10, 11, 12, 24, 41, 67*a* and 71*a* of section 352 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the District Corporation, and, for the purposes of section 394 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality.

9.—(1) This Act, except section 7, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

(2) Section 7 shall be deemed to have come into force on the 1st day of January, 1971. ^{Idem}

10. The short title of this Act is *The District Municipality of Muskoka Amendment Act, 1978*. ^{Short title}

An Act to amend
The District Municipality of Muskoka Act

1st Reading

May 11th, 1978

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend
The District Municipality of Muskoka Act**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

An Act to amend The District Municipality of Muskoka Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The District Municipality of Muskoka Act*, s. 4.
being chapter 131 of the Revised Statutes of Ontario, 1970, is ^{repealed} repealed.
2. Subsection 3 of section 7 of the said Act is repealed and the s. 7 (3).
following substituted therefor: ^{re-enacted}

(3) The council of each area municipality shall at its ^{Election of}
first meeting after a regular election elect its members to the ^{members to}
District Council. ^{District}
^{Council}
- 3.—(1) Subsection 2 of section 8 of the said Act is repealed and s. 8 (2).
the following substituted therefor: ^{re-enacted}

(2) At the first meeting of the District Council after a ^{Election of}
regular election at which a quorum is present, the District ^{chairman}
Council shall organize as a council and elect as chairman one
of the members of the District Council, or any other person,
to hold office for the term of the council and until his successor
is appointed or elected in accordance with this Act, and at
such meeting the clerk shall preside until the chairman is
elected.

(2) Subsection 4 of the said section 8 is repealed and the s. 8 (4).
following substituted therefor: ^{re-enacted}

(4) If, at the first meeting of the District Council after a ^{Failure}
regular election, a chairman is not elected, the presiding ^{to elect}
officer may adjourn the meeting from time to time, and, ^{chairman}
if a chairman is not elected at any adjourned meeting held
within one week after the first meeting, the Lieutenant

Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act.

s. 9 (2, 3),
re-enacted

4. Subsections 2 and 3 of section 9 of the said Act are repealed and the following substituted therefor:

First
meeting of
area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting of
District
Council

(3) The first meeting of the District Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the District Council.

s. 12,
repealed

5. Section 12 of the said Act is repealed.

s. 17,
amended

6. Section 17 of the said Act is amended by adding thereto the following subsection:

Idem
R.S.O. 1970,
c. 284

(3) Sections 388, 389, 389a to 389e, 390 and 391 of *The Municipal Act* apply with necessary modifications to the District Council.

s. 69 (5),
re-enacted

7. Subsection 5 of section 69 of the said Act is repealed and the following substituted therefor:

District
Corpora-
tion deemed
muni-
cipality under
R.S.O. 1970,
c. 349

(5) Subject to this Part, the District Corporation shall be deemed to be a municipality and the District Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12a of section 29, sections 33, 43 and 44 of *The Planning Act* and where the District Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

s. 130 (1),
re-enacted

8. Subsection 1 of section 130 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 35, section 4, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 242b, 248a, 249 and 254, subsection 3 of section 308,

section 333, paragraphs 3, 10, 11, 12, 24, 41, 67*a* and 71*a* of section 352 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the District Corporation, and, for the purposes of section 394 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality. R.S.O. 1970.
c. 284

9.—(1) This Act, except section 7, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 7 shall be deemed to have come into force on the 1st day of January, 1971. Idem

10. The short title of this Act is *The District Municipality of Muskoka Amendment Act, 1978*. Short title

An Act to amend
The District Municipality of Muskoka Act

1st Reading

May 11th, 1978

2nd Reading

May 30th, 1978

3rd Reading

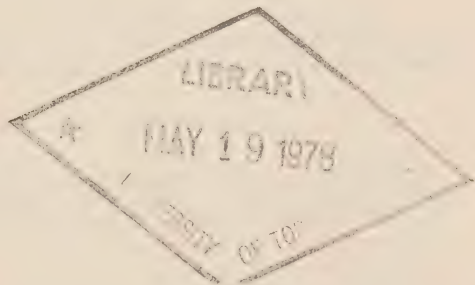
May 30th, 1978

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Subsection 5 and subsection 7 of section 5 of the Act as they now read are set out below showing underlined the words being changed by the re-enactment of the two subsections:

- (5) *At the first meeting of the Metropolitan Council in each year after an election at which a quorum is present, the Metropolitan Council shall organize as a council and elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section.*
- (7) *If, at such first meeting for any reason a chairman is not elected, the clerk or presiding member may adjourn the meeting from time to time and, if a chairman is not elected within one week after such first meeting, the Lieutenant Governor in Council shall appoint the chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section.*

Amendments to the same effect are being made to the various regional and district municipality Acts and they are designed to make it clear that the term of office of the chairman corresponds to that of the council.

SECTION 2. Subsections 1 and 2 of section 6 of the Act now provide that area councils are to hold their first meetings after an election not later than the 8th day of January, while the Metropolitan Council is to hold its first meeting after the area councils have held their first meetings, but in any event not later than the 15th day of January. The re-enactment of the two subsections reflects the change in the commencement of the term of office of a new council from the 1st day of January to the 1st day of December as provided in *The Municipal Elections Act, 1977*.

Area councils will now be required to hold their first meetings within seven days of the commencement of the term of the new council and the Metropolitan Council to hold its first meeting within fourteen days of that date.

BILL 83

1978

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 5 of section 5 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 1, is repealed and the following substituted therefor: s. 5 (5),
re-enacted

(5) At the first meeting of the Metropolitan Council in each year after a regular election at which a quorum is present, the Metropolitan Council shall organize as a council and elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act. Election of
chairman

- (2) Subsection 7 of the said section 5 is repealed and the following substituted therefor: s. 5 (7),
re-enacted

(7) If, at such first meeting after a regular election, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Adjourn-
ment

2. Subsections 1 and 2 of section 6 of the said Act are repealed and the following substituted therefor: s. 6 (1, 2),
re-enacted

(1) The first meeting of the Metropolitan Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under sub- First
meeting of
Metro-
politan
Council

section 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Metropolitan Council.

First
meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

s. 11,
repealed

3. Section 11 of the said Act is repealed.

s. 12 (5),
repealed

4. Subsection 5 of section 12 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 2, is repealed.

s. 13 (2),
repealed

5. Subsection 2 of section 13 of the said Act is repealed.

s. 17 (1),
re-enacted

6. Subsection 1 of section 17 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 201, 243, 259, 281 to 286, 349, 350, paragraphs 66 and 67 of section 352, and sections 388, 389, 389*a* to 389*e*, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Metropolitan Corporation.

s. 76,
amended

7. Section 76 of the said Act is amended by adding thereto the following subsection:

Where other
road carried
over or
under
metro-
politan
road

(2) Where a road that is not a metropolitan road is carried over or under a metropolitan road by a bridge or other structure, the surface of the road shall be deemed to be under the jurisdiction and control of the authority that has jurisdiction and control over the adjacent portions of the remainder of the road and the Metropolitan Corporation shall not be liable for maintenance and repair of the surface of the road.

s. 149 (4),
re-enacted

8. Subsection 4 of section 149 of the said Act is repealed and the following substituted therefor:

Time for
passing,
approval
of O.M.B.

(4) A by-law under this section, and a by-law amending or repealing any such by-law, shall be passed not later than the tenth day prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977* and shall not be passed unless it has received the approval of the Municipal Board.

1977, c. 62

SECTIONS 3, 4 AND 5. The provisions to be repealed relate to the payment of remuneration and read as follows:

- 11.—(1) *The chairman may be paid for his services as chairman and as a member of any local board of the Metropolitan Corporation or committee of the Metropolitan Council such annual remuneration as the Metropolitan Council may determine.*
- (2) *The members of the Metropolitan Council, other than the chairman, may be paid such annual or other remuneration as the Metropolitan Council may determine.*
- 12.—(5) *Each member of the Executive Committee other than the chairman shall, in addition to his remuneration as a member of the Metropolitan Council, receive such remuneration as may be authorized by the Metropolitan Council.*
- 13.—(2) *The Metropolitan Council may by by-law provide for paying an annual allowance to each chairman of a standing committee, except where such chairman is the chairman of the Metropolitan Council.*

These specific provisions will be replaced by the amendment made by section 6 of the Bill that makes applicable to the Metropolitan Corporation those sections of *The Municipal Act* that apply generally to the payment by municipalities of remuneration and expenses to council members and members of local boards.

SECTION 6. The effect of the re-enactment is to add sections 388, 389, 389a to 389e and 391 of *The Municipal Act* as being applicable to the Metropolitan Corporation.

The sections mentioned above all relate to payment of remuneration and expenses to members of councils and local boards.

The effect is to place Metropolitan Toronto on the same footing as all other municipalities in respect of these matters.

SECTION 7. The new subsection 2 makes it clear that a local road that is carried over or under a metropolitan road remains under the jurisdiction and control of the authority whose road it is.

SECTION 8. Subsection 4 of section 149 of the Act now reads as follows:

- (4) *A by-law under this section, and a by-law amending or repealing any such by-law, shall be passed not later than the 1st day of November in the year in which an election is to be held and shall not be passed unless it has received the approval of the Municipal Board.*

The by-law referred to is one providing for the composition of the council of an area municipality and the change in the time by which it must be passed and reflects the change in the commencement of the term of office of municipal councils to the 1st day of December provided for by *The Municipal Elections Act, 1977*.

SECTION 9. The amendment adds the words "except section 68" to subsection 2 of section 175 of the Act. The effect is to make applicable to area municipalities the section of *The Police Act* that authorizes the appointment of municipal by-law enforcement officers.

SECTION 10. Section 178 of the Act now prohibits the payment of remuneration to members of the Metropolitan Board of Commissioners of Police who are also members of the Metropolitan Council. The re-enactment authorizes the payment of remuneration to all members of the Board except that member who is a judge of the county court of the Judicial District of York.

SECTION 11. Subsection 2 of section 199 of the Act, as it is proposed to be re-enacted is set out below showing underlined the words to be added:

- (2) *The Metropolitan Corporation is the designated municipality within the meaning of The Planning Act for the purposes of The Metropolitan Toronto Planning Area and each area municipality is the designated municipality within the meaning of The Planning Act for the purposes of the subsidiary planning area it constitutes.*

Each area municipality is constituted a subsidiary planning area by subsection 4 of section 199. The amendment is to make it clear the area municipality is the designated municipality within the meaning of *The Planning Act* and thus the authority to adopt and forward to the Minister for approval the official plan for that subsidiary planning area.

SECTION 12. The re-enactment of subsection 4 of section 200 of the Act adds to the end of the subsection as it now reads the words "and where the Metropolitan Council meets in respect of matters pertaining to planning for the purposes aforesaid no separate meeting as a planning board is required".

SECTION 13. The re-enactment of subsection 1 of section 241 of the Act adds the following provisions of *The Municipal Act* as those applicable to the Metropolitan Corporation: section 242b, paragraphs 67a and 71a of section 352 and paragraph 10 of section 460. These are new provisions added by *The Municipal Amendment Act, 1978* and provide respectively authority for authorizing hearings by a committee rather than the full council, providing liability insurance for employees, establishing bicycle paths and designating bicycle lanes on highways.

9. Subsection 2 of section 175 of the said Act is repealed and the following substituted therefor:
- (2) *The Police Act*, except section 68, does not apply to any area municipality.
10. Section 178 of the said Act is repealed and the following substituted therefor:
178. The Metropolitan Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Metropolitan Board, except the member designated by the Lieutenant Governor in Council under clause *c* of subsection 1 of section 177.
11. Subsection 2 of section 199 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 11, is repealed and the following substituted therefor:
- (2) The Metropolitan Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of The Metropolitan Toronto Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes.
12. Subsection 4 of section 200 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 11, is repealed and the following substituted therefor:
- (4) Subject to this Part, the Metropolitan Corporation shall be deemed to be a municipality and the Metropolitan Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25, 26, 27, subsection 12*a* of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Metropolitan Council meets in respect of matters pertaining to planning for the purposes aforesaid no separate meeting as a planning board is required.
13. Subsection 1 of section 241 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 37, section 4, is repealed and the following substituted therefor:
- (1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 248*a* and 249, subsection 3 of section 308, paragraphs 3, 10, 11, 12, 24, 29, 41, 42, 67*a* and 71*a* of section 352, and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Metropolitan Corporation.

s. 175 (2),
re-enacted

Application
of
R.S.O. 1970,
c. 351, to
area muni-
cipalities

s. 178.
re-enacted

Remunera-
tion

R.S.O. 1970,
c. 351

s. 199 (2),
re-enacted

Designated
muni-
cipality
R.S.O. 1970,
c. 349

s. 200 (4),
re-enacted

Application
of
R.S.O. 1970,
c. 349

s. 241 (1),
re-enacted

Application
of
R.S.O. 1970,
c. 284

- | | |
|-------------------|-----------------------------------------------------------------------------------------------------------------|
| Commence-
ment | 14. —(1) This Act, except sections 9, 11 and 12, comes into force on the day it receives Royal Assent. |
| Idem | (2) Section 11 shall be deemed to have come into force on the 2nd day of April, 1953. |
| Idem | (3) Section 9 shall be deemed to have come into force on the 1st day of January, 1957. |
| Idem | (4) Section 12 shall be deemed to have come into force on the 1st day of January, 1975. |
| Short title | 15. The short title of this Act is <i>The Municipality of Metropolitan Toronto Amendment Act, 1978</i> . |

An Act to amend
The Municipality of Metropolitan
Toronto Act

1st Reading

May 11th, 1978

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

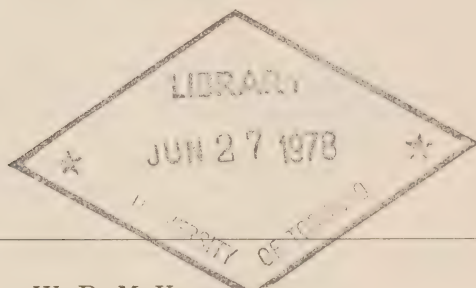
(Government Bill)

BILL 83

Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend
The Municipality of Metropolitan Toronto Act**



THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Subsection 5 and subsection 7 of section 5 of the Act as they now read are set out below showing underlined the words being changed by the re-enactment of the two subsections:

(5) *At the first meeting of the Metropolitan Council in each year after an election at which a quorum is present, the Metropolitan Council shall organize as a council and elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section.*

(7) *If, at such first meeting for any reason a chairman is not elected, the clerk or presiding member may adjourn the meeting from time to time and, if a chairman is not elected within one week after such first meeting, the Lieutenant Governor in Council shall appoint the chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section.*

Amendments to the same effect are being made to the various regional and district municipality Acts and they are designed to make it clear that the term of office of the chairman corresponds to that of the council.

SECTION 2. Subsections 1 and 2 of section 6 of the Act now provide that area councils are to hold their first meetings after an election not later than the 8th day of January, while the Metropolitan Council is to hold its first meeting after the area councils have held their first meetings, but in any event not later than the 15th day of January. The re-enactment of the two subsections reflects the change in the commencement of the term of office of a new council from the 1st day of January to the 1st day of December as provided in *The Municipal Elections Act, 1977*.

Area councils will now be required to hold their first meetings within seven days of the commencement of the term of the new council and the Metropolitan Council to hold its first meeting within fourteen days of that date.

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 5 of section 5 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 1, is repealed and the following substituted therefor:

s. 5 (5),
re-enacted

(5) At the first meeting of the Metropolitan Council in each year after a regular election at which a quorum is present, the Metropolitan Council shall organize as a council and elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act.

Election of
chairman

- (2) Subsection 7 of the said section 5 is repealed and the following substituted therefor:

s. 5 (7),
re-enacted

(7) If, at such first meeting after a regular election, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act.

Adjourn-
ment

2. Subsections 1 and 2 of section 6 of the said Act are repealed and the following substituted therefor:

s. 6 (1, 2),
re-enacted

(1) The first meeting of the Metropolitan Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under sub-

First
meeting of
Metro-
politan
Council

section 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Metropolitan Council.

First
meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

s. 11,
repealed

3. Section 11 of the said Act is repealed.

s. 12 (5),
repealed

4. Subsection 5 of section 12 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 2, is repealed.

s. 13 (2),
repealed

5. Subsection 2 of section 13 of the said Act is repealed.

s. 17 (1),
re-enacted

6. Subsection 1 of section 17 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 201, 243, 259, 281 to 286, 349, 350, paragraphs 66 and 67 of section 352, and sections 388, 389, 389a to 389e, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Metropolitan Corporation.

s. 76,
amended

7. Section 76 of the said Act is amended by adding thereto the following subsection:

Where other
road carried
over or
under
metro-
politan
road

(2) Where a road that is not a metropolitan road is carried over or under a metropolitan road by a bridge or other structure, the surface of the road shall be deemed to be under the jurisdiction and control of the authority that has jurisdiction and control over the adjacent portions of the remainder of the road and the Metropolitan Corporation shall not be liable for maintenance and repair of the surface of the road.

s. 149 (4),
re-enacted

8. Subsection 4 of section 149 of the said Act is repealed and the following substituted therefor:

Time for
passing,
approval
of O.M.B.

(4) A by-law under this section, and a by-law amending or repealing any such by-law, shall be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977* and shall not be passed unless it has received the approval of the Municipal Board.

1977, c. 62

SECTIONS 3, 4 AND 5. The provisions to be repealed relate to the payment of remuneration and read as follows:

- 11.—(1) *The chairman may be paid for his services as chairman and as a member of any local board of the Metropolitan Corporation or committee of the Metropolitan Council such annual remuneration as the Metropolitan Council may determine.*
- (2) *The members of the Metropolitan Council, other than the chairman, may be paid such annual or other remuneration as the Metropolitan Council may determine.*
- 12.—(5) *Each member of the Executive Committee other than the chairman shall, in addition to his remuneration as a member of the Metropolitan Council, receive such remuneration as may be authorized by the Metropolitan Council.*
- 13.—(2) *The Metropolitan Council may by by-law provide for paying an annual allowance to each chairman of a standing committee, except where such chairman is the chairman of the Metropolitan Council.*

These specific provisions will be replaced by the amendment made by section 6 of the Bill that makes applicable to the Metropolitan Corporation those sections of *The Municipal Act* that apply generally to the payment by municipalities of remuneration and expenses to council members and members of local boards.

SECTION 6. The effect of the re-enactment is to add sections 388, 389, 389a to 389e and 391 of *The Municipal Act* as being applicable to the Metropolitan Corporation.

The sections mentioned above all relate to payment of remuneration and expenses to members of councils and local boards.

The effect is to place Metropolitan Toronto on the same footing as all other municipalities in respect of these matters.


SECTION 7. The new subsection 2 makes it clear that a local road that is carried over or under a metropolitan road remains under the jurisdiction and control of the authority whose road it is.

SECTION 8. Subsection 4 of section 149 of the Act now reads as follows:

- (4) *A by-law under this section, and a by-law amending or repealing any such by-law, shall be passed not later than the 1st day of November in the year in which an election is to be held and shall not be passed unless it has received the approval of the Municipal Board.*

The by-law referred to is one providing for the composition of the council of an area municipality and the change in the time by which it must be passed and reflects the change in the commencement of the term of office of municipal councils to the 1st day of December provided for by *The Municipal Elections Act, 1977*.

SECTION 9. The amendment adds the words "except section 68" to subsection 2 of section 175 of the Act. The effect is to make applicable to area municipalities the section of *The Police Act* that authorizes the appointment of municipal by-law enforcement officers.

 SECTION 10. Section 178 of the Act now prohibits the payment of remuneration to members of the Metropolitan Board of Commissioners of Police who are also members of the Metropolitan Council. The re-enactment authorizes the payment of remuneration to the members of the Board appointed or designated by the Lieutenant Governor in Council, except that member who is a judge of the county court of the Judicial District of York; remuneration may be paid to those members who are also members of the Metropolitan Council under general authority found in *The Municipal Act* and made applicable to the Metropolitan Council by section 6 of the Bill.

SECTION 11. Subsection 2 of section 199 of the Act, as it is proposed to be re-enacted is set out below showing underlined the words to be added:

- (2) *The Metropolitan Corporation is the designated municipality within the meaning of The Planning Act for the purposes of The Metropolitan Toronto Planning Area and each area municipality is the designated municipality within the meaning of The Planning Act for the purposes of the subsidiary planning area it constitutes.*

Each area municipality is constituted a subsidiary planning area by subsection 4 of section 199. The amendment is to make it clear the area municipality is the designated municipality within the meaning of *The Planning Act* and thus the authority to adopt and forward to the Minister for approval the official plan for that subsidiary planning area.

SECTION 12. The re-enactment of subsection 4 of section 200 of the Act adds to the end of the subsection as it now reads the words "and where the Metropolitan Council meets in respect of matters pertaining to planning for the purposes aforesaid no separate meeting as a planning board is required".

SECTION 13. The re-enactment of subsection 1 of section 241 of the Act adds the following provisions of *The Municipal Act* as those applicable to the Metropolitan Corporation: section 242b, paragraphs 67a and 71a of section 352 and paragraph 10 of section 460. These are new provisions added by *The Municipal Amendment Act, 1978* and provide respectively authority for authorizing hearings by a committee rather than the full council, providing liability insurance for employees, establishing bicycle paths and designating bicycle lanes on highways.

9. Subsection 2 of section 175 of the said Act is repealed and the following substituted therefor:
- (2) *The Police Act*, except section 68, does not apply to any area municipality.
10. Section 178 of the said Act is repealed and the following substituted therefor:
178. The Metropolitan Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Metropolitan Board appointed or designated by the Lieutenant Governor in Council, except the member designated by the Lieutenant Governor in Council under clause *c* of subsection 1 of section 177.
11. Subsection 2 of section 199 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 11, is repealed and the following substituted therefor:
- (2) The Metropolitan Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of The Metropolitan Toronto Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes.
12. Subsection 4 of section 200 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 11, is repealed and the following substituted therefor:
- (4) Subject to this Part, the Metropolitan Corporation shall be deemed to be a municipality and the Metropolitan Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25, 26, 27, subsection 12*a* of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Metropolitan Council meets in respect of matters pertaining to planning for the purposes aforesaid no separate meeting as a planning board is required.
13. Subsection 1 of section 241 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 37, section 4, is repealed and the following substituted therefor:
- (1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 248*a* and 249, subsection 3 of section 308, paragraphs 3, 10, 11, 12, 24, 29, 41, 42, 67*a* and 71*a* of section 352, and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Metropolitan Corporation.

s. 175 (2).
re-enacted

Application
of
R.S.O. 1970.
c. 351, to
area muni-
cipalities

s. 178.
re-enacted

Remunera-
tion

R.S.O. 1970.
c. 351

s. 199 (2).
re-enacted

Designated
muni-
cipality
R.S.O. 1970.
c. 349

s. 200 (4).
re-enacted

Application
of
R.S.O. 1970.
c. 349

s. 241 (1).
re-enacted

Application
of
R.S.O. 1970.
c. 284

- | | |
|-------------------|----------------------------------------------------------------------------------------------------------------|
| Commence-
ment | 14. —(1) This Act, except sections 9, 11 and 12, comes into force on the day it receives Royal Assent. |
| Idem | (2) Section 11 shall be deemed to have come into force on the 2nd day of April, 1953. |
| Idem | (3) Section 9 shall be deemed to have come into force on the 1st day of January, 1957. |
| Idem | (4) Section 12 shall be deemed to have come into force on the 1st day of January, 1975. |
| Short title | 15. The short title of this Act is <i>The Municipality of Metropolitan Toronto Amendment Act, 1978.</i> |

An Act to amend
The Municipality of Metropolitan
Toronto Act

1st Reading

May 11th, 1978

2nd Reading

June 13th, 1978

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 83

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 83

1978

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 5 of section 5 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 1, is repealed and the following substituted therefor: s. 5 (5),
re-enacted

(5) At the first meeting of the Metropolitan Council in each year after a regular election at which a quorum is present, the Metropolitan Council shall organize as a council and elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act. Election of
chairman

- (2) Subsection 7 of the said section 5 is repealed and the following substituted therefor: s. 5 (7),
re-enacted

(7) If, at such first meeting after a regular election, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Adjourn-
ment

2. Subsections 1 and 2 of section 6 of the said Act are repealed and the following substituted therefor: s. 6 (1, 2),
re-enacted

(1) The first meeting of the Metropolitan Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under sub- First
meeting of
Metro-
politan
Council

section 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Metropolitan Council.

First
meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

s. 11.
repealed

3. Section 11 of the said Act is repealed.

s. 12 (5),
repealed

4. Subsection 5 of section 12 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 2, is repealed.

s. 13 (2),
repealed

5. Subsection 2 of section 13 of the said Act is repealed.

s. 17 (1),
re-enacted

6. Subsection 1 of section 17 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 201, 243, 259, 280 to 286, 349, 350, paragraphs 66 and 67 of section 352, and sections 388, 389, 389a to 389e, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Metropolitan Corporation.

s. 76.
amended

7. Section 76 of the said Act is amended by adding thereto the following subsection:

Where other
road carried
over or
under
metro-
politan
road

(2) Where a road that is not a metropolitan road is carried over or under a metropolitan road by a bridge or other structure, the surface of the road shall be deemed to be under the jurisdiction and control of the authority that has jurisdiction and control over the adjacent portions of the remainder of the road and the Metropolitan Corporation shall not be liable for maintenance and repair of the surface of the road.

s. 149 (4),
re-enacted

8. Subsection 4 of section 149 of the said Act is repealed and the following substituted therefor:

Time for
passing,
approval
of O.M.B.

(4) A by-law under this section, and a by-law amending or repealing any such by-law, shall be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977* and shall not be passed unless it has received the approval of the Municipal Board.

1977, c. 62

9. Subsection 2 of section 175 of the said Act is repealed and the following substituted therefor:
- s. 175 (2),
re-enacted
- (2) *The Police Act*, except section 68, does not apply to any area municipality.
- Application
of
R.S.O. 1970,
c. 351, to
area munici-
palities
10. Section 178 of the said Act is repealed and the following substituted therefor:
- s. 178.
re-enacted
178. The Metropolitan Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Metropolitan Board appointed or designated by the Lieutenant Governor in Council, except the member designated by the Lieutenant Governor in Council under clause *c* of subsection 1 of section 177.
- Remunera-
tion
R.S.O. 1970,
c. 351
11. Subsection 2 of section 199 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 11, is repealed and the following substituted therefor:
- s. 199 (2),
re-enacted
- (2) The Metropolitan Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of The Metropolitan Toronto Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes.
- Designated
muni-
cipality
R.S.O. 1970,
c. 349
12. Subsection 4 of section 200 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 11, is repealed and the following substituted therefor:
- s. 200 (4),
re-enacted
- (4) Subject to this Part, the Metropolitan Corporation shall be deemed to be a municipality and the Metropolitan Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25, 26, 27, subsection 12*a* of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Metropolitan Council meets in respect of matters pertaining to planning for the purposes aforesaid no separate meeting as a planning board is required.
- Application
of
R.S.O. 1970,
c. 349
13. Subsection 1 of section 241 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 37, section 4, is repealed and the following substituted therefor:
- s. 241 (1),
re-enacted
- (1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 248*a* and 249, subsection 3 of section 308, paragraphs 3, 10, 11, 12, 24, 29, 41, 42, 67*a* and 71*a* of section 352, and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Metropolitan Corporation.
- Application
of
R.S.O. 1970,
c. 284

- | | |
|-------------------|-----------------------------------------------------------------------------------------------------------------|
| Commence-
ment | 14. —(1) This Act, except sections 9, 11 and 12, comes into force on the day it receives Royal Assent. |
| Idem | (2) Section 11 shall be deemed to have come into force on the 2nd day of April, 1953. |
| Idem | (3) Section 9 shall be deemed to have come into force on the 1st day of January, 1957. |
| Idem | (4) Section 12 shall be deemed to have come into force on the 1st day of January, 1975. |
| Short title | 15. The short title of this Act is <i>The Municipality of Metropolitan Toronto Amendment Act, 1978</i> . |

An Act to amend
The Municipality of Metropolitan
Toronto Act

1st Reading

May 11th, 1978

2nd Reading

June 13th, 1978

3rd Reading

June 15th, 1978

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The County of Oxford Act, 1974

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Part of the Township of Zorra is annexed to the Township of South-West Oxford effective the 1st day of July, 1978.

SECTION 2. The amendment is consequent on the annexation provided for by section 1 of the Bill; it extends from April 1st to July 15th the date by which the affected municipalities must establish their polling subdivisions and inform the assessment commissioner.

SECTION 3. Subsection 2 and subsection 4 of section 9 of the Act as they now read are set out below:

(2) *At the first meeting of the County Council in the year 1974 and 1977 and every second year thereafter at which a quorum is present, the County Council shall organize as a council and elect from amongst its members a warden who shall hold office for that term of the council and until his successor is elected, and at such meeting in the year 1977 and every second year thereafter the clerk shall preside until the warden is elected and the warden so elected shall retain his seat on the council of the area municipality to which he was elected.*

(4) *If, at the first meeting of the County Council in the year 1974 and any subsequent first meeting, a warden is not elected, the presiding officer may adjourn the meeting from time to time, and, if a warden is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a warden to hold office for that year and the following year and until his successor is elected in accordance with this Act.*

Similar amendments are being made to the various regional and district municipality Acts and they are designed to make it clear that the term of office of the chairman (or in the case of Oxford, the warden) corresponds to that of the council.

BILL 84

1978

An Act to amend The County of Oxford Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The County of Oxford Act, 1974*, being chapter 57, is amended by adding thereto the following subsections: s. 2.
amended

(1a) The portion of the Township of Zorra described as follows is annexed to the Township of South-West Oxford on the 1st day of July, 1978: Portion
of Zorra
annexed to
South-West
Oxford

That tract of land situate in the Township of Zorra, in the County of Oxford, formerly in the Township of North Oxford and described as Part 1 on a Reference Plan of part of Lot 21, Concession 1, deposited in the Land Registry Office for the Registry Division of Oxford (No. 41) as 41R-1365.

(1b) Subsection 3 applies with necessary modifications to the annexation provided for in subsection 1a. Application
of subs. 3

2. Section 3 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 73, section 1 and 1977, chapter 36, section 1, is further amended by adding thereto the following subsection: s. 3.
amended

(4c) Notwithstanding section 17 of *The Municipal Elections Act, 1977* for the purposes of the municipal elections to be held in 1978, the clerk of the Township of Zorra and the clerk of the Township of South-West Oxford shall divide their respective area municipalities into polling subdivisions and shall, not later than the 15th day of July, 1978, inform the assessment commissioner of the boundaries of each subdivision. Polling
sub-
divisions,
Zorra and
South-West
Oxford
1977, c. 62

- 3.—(1) Subsection 2 of section 9 of the said Act is repealed and the following substituted therefor: s. 9 (2),
re-enacted

Election of
warden

(2) At the first meeting of the County Council after a regular election at which a quorum is present, the County Council shall organize as a council and elect from among its members a warden who shall hold office for that term of the council and until his successor is elected, and at such meeting the clerk shall preside until the warden is elected, and the warden so elected shall retain his seat on the council of the area municipality to which he was elected.

s. 9 (4),
re-enacted

(2) Subsection 4 of the said section 9 is repealed and the following substituted therefor:

Failure
to elect
warden

(4) If, at the first meeting of the County Council after a regular election, a warden is not elected, the presiding officer may adjourn the meeting from time to time, and, if a warden is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a warden to hold office for the term of the council and until his successor is elected in accordance with this Act.

s. 10 (1),
re-enacted

4. Subsection 1 of section 10 of the said Act is repealed and the following substituted therefor:

First
meeting
of area
councils

(1) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting
of County
Council

(1a) The first meeting of the County Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 1, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the County Council.

s. 14,
repealed

5. Section 14 of the said Act is repealed.

s. 15 (2),
repealed

6. Subsection 2 of section 15 of the said Act is repealed.

s. 19,
amended

7. Section 19 of the said Act is amended by adding thereto the following subsection:

Application
of
R.S.O. 1970,
c. 284

(3) Sections 388, 389, 389a to 389e, 390 and 391 of *The Municipal Act* apply with necessary modifications to the County Council.

SECTION 4. Subsection 1 of section 10 of the Act provided for the time of the first meeting of the County Council in 1974 and its effect is spent. The re-enacted subsection 1 and the new subsection 1a provide for the time of the first meetings of the area councils and the County Council respectively, following a regular election.

The amendments will put Oxford on the same footing as the various district and regional municipalities with respect to the time of first meetings.

SECTIONS 5 AND 6. The provisions to be repealed relate to the payment of remuneration and read as follows:

14. Members of the County Council, may be paid for services performed on and after the 1st day of January, 1975, such annual and other remuneration as the County Council may determine.

15.—(2) The County Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the warden.

These specific provisions will be replaced by the amendments made by section 7 of the Bill that make applicable to Oxford those sections of *The Municipal Act* that apply generally to the payment by municipalities of remuneration and expenses to members of councils and local boards.

SECTION 7. See the Note to section 6 of the Bill.

SECTION 8. Subsection 2 of section 54 of the Act declares the County Council to be the Planning Board for the Oxford Planning Area. The new subsection 2a makes it clear the County Council need not hold a separate meeting as a planning board when dealing with planning matters.

SECTION 9. The re-enactment of subsection 1 of section 114 of the Act adds the following provisions of *The Municipal Act* as those applicable to the County: section 242b, paragraphs 67a and 71a of section 352 and paragraph 10 of section 460. These are new provisions added to *The Municipal Act* by *The Municipal Amendment Act, 1978* and provide respectively authority for authorizing hearings by a committee rather than the full council, providing liability insurance for employees, establishing bicycle paths and designating bicycle lanes on highways.

8. Section 54 of the said Act is amended by adding thereto the following subsection: s. 54. amended

(2a) Where the County Council meets in respect of matters pertaining to planning for the purposes of *The Planning Act*, no separate meeting of the Council as a planning board is required. Separate meeting as planning board not required R.S.O. 1970, c. 349

9. Subsection 1 of section 114 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 36, section 5, is repealed and the following substituted therefor: s. 114 (1). re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250, 254, 308 and 333, paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66, 67, 67a and 71a of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the County. Application of R.S.O. 1970, c. 284

- 10.—(1) This Act, except section 8, comes into force on the day it receives Royal Assent. Commencement

(2) Section 8 shall be deemed to have come into force on the 1st day of January, 1975. Idem

11. The short title of this Act is *The County of Oxford Amendment Act, 1978*. Short title

An Act to amend
The County of Oxford Act, 1974

1st Reading

May 11th, 1978

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 84

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The County of Oxford Act, 1974

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



BILL 84

1978

**An Act to amend
The County of Oxford Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The County of Oxford Act, 1974*, being chapter 57, s. 2, amended is amended by adding thereto the following subsections:

(1a) The portion of the Township of Zorra described as follows is annexed to the Township of South-West Oxford on the 1st day of July, 1978: Portion of Zorra annexed to South-West Oxford

That tract of land situate in the Township of Zorra, in the County of Oxford, formerly in the Township of North Oxford and described as Part 1 on a Reference Plan of part of Lot 21, Concession 1, deposited in the Land Registry Office for the Registry Division of Oxford (No. 41) as 41R-1365.

(1b) Subsection 3 applies with necessary modifications to the annexation provided for in subsection 1a. Application of subs. 3

2. Section 3 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 73, section 1 and 1977, chapter 36, section 1, is further amended by adding thereto the following subsection: s. 3, amended

(4c) Notwithstanding section 17 of *The Municipal Elections Act, 1977* for the purposes of the municipal elections to be held in 1978, the clerk of the Township of Zorra and the clerk of the Township of South-West Oxford shall divide their respective area municipalities into polling subdivisions and shall, not later than the 15th day of July, 1978, inform the assessment commissioner of the boundaries of each subdivision. Polling sub-divisions, Zorra and South-West Oxford 1977, c. 62

- 3.—(1) Subsection 2 of section 9 of the said Act is repealed and the following substituted therefor: s. 9 (2), re-enacted

Election of
warden

(2) At the first meeting of the County Council after a regular election at which a quorum is present, the County Council shall organize as a council and elect from among its members a warden who shall hold office for that term of the council and until his successor is elected, and at such meeting the clerk shall preside until the warden is elected, and the warden so elected shall retain his seat on the council of the area municipality to which he was elected.

s. 9 (4),
re-enacted

(2) Subsection 4 of the said section 9 is repealed and the following substituted therefor:

Failure
to elect
warden

(4) If, at the first meeting of the County Council after a regular election, a warden is not elected, the presiding officer may adjourn the meeting from time to time, and, if a warden is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a warden to hold office for the term of the council and until his successor is elected in accordance with this Act.

s. 10 (1),
re-enacted

4. Subsection 1 of section 10 of the said Act is repealed and the following substituted therefor:

First
meeting
of area
councils

(1) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting
of County
Council

(1a) The first meeting of the County Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 1, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the County Council.

s. 14,
repealed

5. Section 14 of the said Act is repealed.

s. 15 (2),
repealed

6. Subsection 2 of section 15 of the said Act is repealed.

s. 19,
amended

7. Section 19 of the said Act is amended by adding thereto the following subsection:

Application
of
R.S.O. 1970,
c. 284

(3) Sections 388, 389, 389a to 389e, 390 and 391 of *The Municipal Act* apply with necessary modifications to the County Council.

8. Section 54 of the said Act is amended by adding thereto the following subsection: s. 54.
amended

(2a) Where the County Council meets in respect of matters pertaining to planning for the purposes of *The Planning Act*, no separate meeting of the Council as a planning board is required. Separate meeting as planning board not required
R.S.O. 1970, c. 349

9. Subsection 1 of section 114 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 36, section 5, is repealed and the following substituted therefor: s. 114 (1).
re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250, 254, 308 and 333, paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66, 67, 67a and 71a of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the County. Application of R.S.O. 1970, c. 284

- 10.—(1) This Act, except section 8, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 8 shall be deemed to have come into force on the 1st day of January, 1975. Idem

11. The short title of this Act is *The County of Oxford Amendment Act, 1978*. Short title

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THE HON. W. D. McKEOUGH
Treasurer of Ontario and
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Intergovernmental Affairs

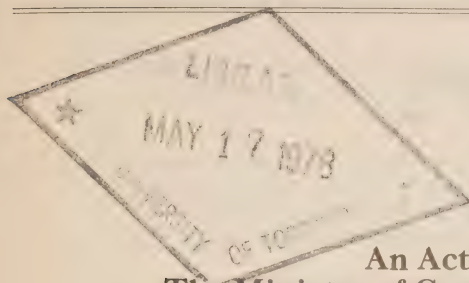
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Corrections
Publications

BILL 85

Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978



An Act to revise The Ministry of Correctional Services Act

THE HON. F. DREA
Minister of Correctional Services

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill revises the existing *Ministry of Correctional Services Act*, enacted in its current form by the Statutes of Ontario, 1968, chapter 27, so appearing in the Revised Statutes of Ontario, 1970, as chapter 110, and amended since then by the Statutes of Ontario, 1971, chapter 50, section 27 and 1972, chapter 1, section 59. Among the principal features of the Bill are the following:

1. The Lieutenant Governor in Council is authorized to enter into agreements with other jurisdictions in Canada for the exchange of services and transfer of inmates. (s. 8 (1))
2. Provision is made for the confidentiality of the personal records of inmates, parolees and probationers. Communication of information from these records is permitted only for the purposes stated in the Bill or with the approval of the Minister. (s. 10)
3. The Minister may designate employees of the Ministry as police constables for specific purposes. (s. 11)
4. The Lieutenant Governor in Council may pay compassionate allowances to inmates who are permanently disabled as a result of injuries sustained during authorized activities at the correctional institution and to other persons who suffer injury or damage caused by an inmate. (s. 13)
5. The Bill provides for the designation, operation and management of community resource centres for the rehabilitation and supervision of inmates in a community setting. (s. 15)
6. The Bill reflects changes made in the *Criminal Law Amendment Act, 1977* (Canada) by eliminating indeterminate and indefinite sentences and statutory remission.
7. The Minister is permitted to remove inmates from a correctional institution if the institution becomes insecure. (s. 17)
8. The Minister may direct that a psychiatric assessment be made of an inmate by a physician. (s. 24 (4))
9. The Bill deems an escape by an inmate while outside the correctional institution on a work project to be an escape from the institution itself. (s. 26)
10. An inmate may surrender the whole or part of his remission in order to prolong confinement in a correctional institution for medical, humanitarian or rehabilitative reasons that are acceptable to the superintendent. (s. 28 (3))
11. The Bill allows for the early release of an inmate whose day for release otherwise falls on a weekend or a holiday if the early release will be of benefit to the inmate.
12. The size of the Parole Board may be expanded beyond its current seven members. (s. 31)
13. The Bill adds several provisions concerning adult probation services adapted from *The Probation Act*. This change is consistent with the administrative separation of probation services into adult and youth services.
14. The Bill provides that a probation officer who faces difficulty in following court directions may apply to the court for a variation of the directions. (s. 42 (2))

BILL 85

1978

An Act to revise The Ministry of Correctional Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Parole;
- (b) "compassionate allowance" means an allowance made under section 13 of this Act and the regulations;
- (c) "correctional institution" means a correctional institution established or continued under section 14 and does not include a training school established or authorized under *The Training Schools Act*, or a lock-up established under section 349 of *The Municipal Act*;
- (d) "Deputy Minister" means the Deputy Minister of Correctional Services;
- (e) "inmate" means a person confined in a correctional institution or otherwise detained in lawful custody pursuant to a court order;
- (f) "Minister" means the Minister of Correctional Services;
- (g) "Ministry" means the Ministry of Correctional Services;
- (h) "parole" means authority granted to an inmate to be at large during the inmate's term of imprisonment;

R.S.O. 1970,
cc. 467, 284

- (i) "parolee" means an inmate who has been granted parole under this Act;
- (j) "probation" means the disposition of a court authorizing an offender to be at large subject to conditions prescribed in a probation order or a community service order;
- (k) "probation order" includes community service order;
- (l) "probationer" means a person who is bound by a probation order or a community service order;
- (m) "regulations" means the regulations made under this Act;
- (n) "remission" means statutory or earned remission, as the case requires.

PART I

MINISTRY OF CORRECTIONAL SERVICES

Ministry
continued

2.—(1) The ministry of the public service known as the Ministry of Correctional Services is continued.

Minister
to preside

(2) The Minister shall preside over and have charge of the Ministry.

Deputy
Minister

(3) The Lieutenant Governor in Council shall appoint a Deputy Minister of Correctional Services who shall be the deputy head of the Ministry. R.S.O. 1970, c. 110, s. 2, *amended*.

Duties of
Minister

3. The Minister is responsible for the administration of this Act and any Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council. R.S.O. 1970, c. 110, s. 3.

Functions
of
Ministry

4. It is the function of the Ministry to supervise the detention and release of inmates, parolees and probationers and to create for such persons a social environment in which they may achieve changes in attitude by providing training, treatment and services designed to afford an inmate, parolee or probationer the opportunity for successful personal and social adjustment in the community, and, without limiting the generality of the foregoing, the objects of the Ministry are to,

- (a) provide for the secure custody of persons awaiting trial or convicted of an offence;
 - (b) establish, maintain and operate correctional institutions;
 - (c) provide programs and facilities designed to assist in the rehabilitation of inmates;
 - (d) establish and operate a system of parole;
 - (e) provide probation services; and
 - (f) provide programs for the prevention of crime.
- New.*

5. Such officers and employees as are required from time to time for the proper conduct of the Ministry may be appointed under *The Public Service Act*. *New.*

Staff

R.S.O. 1970,
c. 386

6. The expenditures of the Ministry shall be paid out of moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 110, s. 4, *amended*.

Expenditures

7. Where, under this or any other Act, a power or duty is granted to or vested in the Minister, he may in writing delegate that power or duty to the Deputy Minister, or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his delegation. R.S.O. 1970, c. 110, s. 5, *amended*.

Delegation
of
Minister's
powers

8.—(1) The Minister, with the approval of the Lieutenant Governor in Council, may, on behalf of the Crown in right of Ontario, make agreements with the Crown in right of Canada or of any province of Canada or with any municipality respecting,

Agreements

- (a) the exchange of services provided by the Ministry;
- (b) the transfer of inmates;
- (c) any matter relating to the supervision and rehabilitation of an inmate, parolee or probationer; or
- (d) any matter for the administration of which the Minister is responsible.

(2) The Minister, for and in the name of the Crown, may enter into any contract or agreement that he considers

Idem

advisable for the purpose of carrying out the provisions of this Act.

Idem

(3) The employees of the Ministry under the direction of the Minister or the Deputy Minister may enter into contracts or agreements for and in the name of the Crown to carry out the responsibilities of the Ministry under this Act. R.S.O. 1970, c. 110, s. 6, *amended*.

Volunteers

9. Every person providing volunteer services to the Ministry shall serve under the direction of an employee of the Ministry. *New*.

Confidentiality

10. Every person employed in the administration of this Act, including any person making an inspection, investigation or inquiry under this Act, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inspection, investigation or inquiry and shall not communicate any such matters to any other person except,

R.S.C. 1970,
cc. P-2, P-6,
P-21, C-34

(a) as may be required in connection with the administration of this Act, the *Parole Act* (Canada), the *Penitentiary Act* (Canada), the *Prisons and Reformatories Act* (Canada) or the *Criminal Code* (Canada) or the regulations thereunder;

(b) to the Ombudsman of Ontario or Correctional Investigator of Canada;

(c) in statistical form if the person's name or identity is not revealed therein;

(d) with the approval of the Minister. *New*.

Employee
as
constable

11. The Minister may designate, in writing, any employee of the Ministry as a constable for such purposes as the Minister may set forth in the designation. *New*.

Protection
from
personal
liability

12.—(1) No action or other proceeding for damages shall be instituted against the Deputy Minister or any officer or employee of the Ministry or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty or for any act of an inmate, parolee or probationer while under his custody and supervision.

Idem

R.S.O. 1970,
c. 365

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*,

relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 1 to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. *New.*

13. The Lieutenant Governor in Council may pay a compassionate allowance in such manner and amounts as is prescribed in the regulations as compensation to an inmate for permanent disability arising from an injury suffered while engaged in an authorized activity at a correctional institution or to any other person for injury or damage inflicted upon that person by an inmate while under the custody and supervision of the Ministry. *New.*

Compassionate allowance

PART II

CORRECTIONAL INSTITUTIONS

14.—(1) The correctional institutions existing before the day this Act comes into force continue to exist as correctional institutions.

Correctional institutions

(2) The Lieutenant Governor in Council may, by order, establish or discontinue a correctional institution. R.S.O. 1970, c. 110, s. 7, *amended.*

Idem

(3) The Lieutenant Governor in Council may, by order, designate any place as a correctional institution for the temporary custody of inmates for such period as is stated in the order and may, by order, exempt the place so designated from the application of any provision or provisions of this Act. *New.*

Designated correctional institutions

15. The Minister may designate any facility as a community resource centre for the rehabilitation and supervision of inmates, parolees or probationers in a community setting away from a correctional institution and the Minister may withdraw a designation from such a facility. *New.*

Community resource centre

16.—(1) The court before which a person is convicted under an Act of the Legislature of an offence punishable by imprisonment may sentence the person to imprisonment in a correctional institution.

Sentence to correctional institution

(2) A person who has been sentenced to imprisonment in a correctional institution may be detained in any other correctional institution or in the custody of a provincial bailiff or other employee of the Ministry for the purpose

Custody during conveyance

of conveyance to the correctional institution to which the person was sentenced. R.S.O. 1970, c. 110, s. 8, *amended*.

Insecure
institutions

17. Where the Minister has reason to believe that a correctional institution is insecure or unfit for the safe custody of inmates, the Minister may, by order, direct that one or more inmates confined in the institution be conveyed to another correctional institution for such period as is stated in the order and the Minister's order is sufficient authority to convey the inmate or inmates to the correctional institution. *New.*

Admissions
and
transfers

18. The Minister may designate in writing one or more employees of the Ministry to control and direct admissions to correctional institutions and who from time to time by warrant may transfer an inmate from one correctional institution to another. R.S.O. 1970, c. 110, s. 10, *amended*.

Provincial
bailiffs

19.—(1) The Minister may appoint provincial bailiffs who may convey an inmate in custody at a correctional institution to another correctional institution or penitentiary in which the inmate is lawfully directed to be confined.

Warrant

(2) A provincial bailiff may convey an inmate under the authority of a warrant issued under section 18 and such a warrant is sufficient authority for the director or superintendent to deliver the inmate named therein to the bailiff.

Powers

(3) A provincial bailiff has the powers of a constable when conveying an inmate under this section. R.S.O. 1970, c. 110, s. 15, *amended*.

Director,
superin-
tendent

20.—(1) There shall be a director or superintendent for each correctional institution to be responsible for the administration of the institution.

Duties

(2) The director or superintendent, as the case may be, shall receive into the institution every person delivered under lawful authority for detention therein and is responsible for the custody and supervision of such person until the term of imprisonment is completed or until the person is by warrant transferred or otherwise discharged in due course of law. R.S.O. 1970, c. 110, s. 9, *amended*.

Deputy
director,
deputy
superin-
tendent

(3) The Deputy Minister may designate a deputy director or deputy superintendent for each correctional institution to be responsible for the administration of the institution when the director or superintendent by reason of absence, illness or other cause, is unable to carry out his duties. *New.*

21. The Minister may designate a correctional institution for use by a municipality as a lock-up and, where the Minister makes such a designation, the municipality shall pay to the Treasurer of Ontario annually such rate per day for persons in custody in the lock-up as is fixed by the Minister for the year. R.S.O. 1970, c. 110, s. 13, *amended*.

Use of
correc-
tional insti-
tution as
lock-up

22. The Minister may designate any person as an inspector to make such inspection as the Minister may require in connection with the administration of this Act, and the Minister may and has just cause to dismiss any employee of the Ministry who obstructs an inspection or withholds, destroys, conceals or refuses to furnish any information or thing required by an inspector for the purposes of the inspection. R.S.O. 1970, c. 110, s. 11, *amended*.

Inspection

23. The Minister may, by order, appoint a person to make an inquiry into any matter to which this Act applies as may be specified in the Minister's order and the person so appointed shall report the result of the inquiry to the Minister and, for the purposes of the inquiry, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. R.S.O. 1970, c. 110, s. 12, *amended*.

Ministerial
inquiry

1971, c. 49

24.—(1) Where a person confined in a correctional institution requires hospital treatment that cannot be supplied at the institution, the director or superintendent shall arrange for the person to receive such treatment at a public hospital and shall report the matter to such persons as the Minister may require.

Hospital
treatment

(2) Where a person confined in a correctional institution requires hospitalization in a psychiatric facility under *The Mental Health Act*, the director or superintendent shall arrange for the person to be so hospitalized and shall report the matter to such persons as the Minister may require. R.S.O. 1970, c. 110, s. 16 (1, 2), *amended*.

Psychiatric
treatment
R.S.O. 1970,
c. 269

(3) Where a director or superintendent is unable to have a person hospitalized, he shall notify an employee of the Ministry designated by the Minister for the purpose and the employee shall then make arrangements to have the person hospitalized.

Idem

(4) The Minister may, by order, direct that an examination be made of an inmate by a psychiatrist or psychologist in a manner prescribed by the regulations for the purpose of assessing the emotional and mental condition of the inmate.

Mental
examina-
tion

New.

Rehabilita-
tion
programs

25. The Minister may establish rehabilitation programs under which inmates may be granted the privilege of continuing to work at their regular employment, obtaining new employment, attending academic institutions, or participating in any other program that the Minister may consider advisable in order that such persons may have a better opportunity for rehabilitation. R.S.O. 1970, c. 110, s. 19, *amended*.

Work
outside
institution

26. The Minister may authorize an inmate or group of inmates to participate in a work project or rehabilitation program beyond the limits of the correctional institution in which the inmate or inmates are confined, but any inmate while so authorized shall be deemed to be confined within the institution and any escape or attempt to escape while going to, returning from or participating in the work project or rehabilitation program shall be deemed to be an escape from within the institution. R.S.O. 1970, c. 110, s. 17, *amended*.

Temporary
absence

27.—(1) Where, in the opinion of an officer of the Ministry, designated by the Lieutenant Governor in Council for the purpose, it is necessary or desirable that an inmate be temporarily absent from a correctional institution for medical or humanitarian reasons or to assist him in his rehabilitation, the officer may authorize the temporary absence of the inmate on such terms and conditions as he may specify.

Idem

(2) Every inmate temporarily absent under subsection 1 shall comply with such terms and conditions as are specified and shall return to the correctional institution at the expiration of the period for which he is authorized to be at large.

Offence

(3) Every inmate who contravenes subsection 2 without lawful excuse, the proof of which lies upon him, is guilty of an offence and on summary conviction is liable to imprisonment for a term of not more than one year. R.S.O. 1970, c. 110, s. 18, *amended*.

Remission

28.—(1) Every inmate may be credited with remission of his sentence and is subject to the forfeitures of such remission equivalent to that provided for in the *Prisons and Reformatories Act* (Canada) except that a sentence shall not be reduced, by reason of remission, to less than two days.

R.S.C. 1970,
c. P-21

Restora-
tion of
forfeiture
remission

(2) Where an inmate has forfeited the whole or any part of his remission, an officer of the Ministry designated by the Lieutenant Governor in Council for the purpose may, where

he is satisfied that it is in the interest of the inmate's rehabilitation, remit the whole or any part of such forfeiture. R.S.O. 1970, c. 110, s. 20, *amended*.

(3) Where an inmate offers to surrender the whole or any part of his remission and where, in the opinion of the director or superintendent, it is necessary or desirable that the inmate remain confined in the correctional institution for medical or humanitarian reasons or to assist him in his rehabilitation for a period of time after the day on which the inmate is eligible to be released by reason of remission, the director or superintendent, as the case may be, may authorize the surrender of remission by the inmate. Surrender of remission

(4) Where an inmate surrenders remission under subsection 3, the inmate shall remain confined in the correctional institution for such further period that corresponds to the amount of remission surrendered, under the same control and supervision and with the same privileges as if he were not eligible to be released at that time. Supervision, privileges continued

(5) Notwithstanding subsection 3, a director or superintendent may withdraw an authorization and an inmate may withdraw a surrender of remission at any time after the day on which the inmate was eligible for release from the correctional institution, and where such withdrawal is made in writing, the inmate shall be released from the institution forthwith. *New*. Withdrawal

29. Where the date of release from custody of an inmate falls upon a weekend or holiday and the director or superintendent is of the opinion that release during the weekend or holiday would inconvenience the inmate in obtaining transportation, lodging or any other service necessary for his adjustment to community life outside the correctional institution, the director or superintendent may release the inmate on the day preceding the weekend or holiday. *New*. Early release

30.—(1) No officer or employee of the Ministry shall, without the approval of the Minister, either in his own name or in the name of or in connection with or as the agent of any other person, provide, furnish or supply any materials, goods or provisions for the use of a correctional institution or community resource centre, or have an interest, directly or indirectly, in furnishing, supplying or transporting the same or in any contract relating thereto. Employees not to be interested in contracts

(2) No officer or employee of the Ministry shall, without the approval of the Minister, buy from or sell to any inmate, parolee or probationer anything whatsoever or take or receive Employees not to trade, etc., with persons in custody

to his own use or for the use of any other person, any fee or gratuity from any inmate in a correctional institution or from any visitor thereto or any parolee or probationer or from any other person in respect of an inmate, parolee or probationer.

Offence (3) Every person who contravenes subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000. R.S.O. 1970, c. 110, ss. 21, 22, *amended*.

PART III

PAROLE

Board of Parole **31.** The Board of Parole is continued and shall be composed of such full-time and part-time members appointed by the Lieutenant Governor in Council as the Lieutenant Governor in Council may consider necessary. R.S.O. 1970, c. 110, s. 23, *amended*.

Chairman **32.**—(1) The Lieutenant Governor in Council may designate one of the members of the Board to be the chairman thereof.

Quorum (2) Three members of the Board constitute a quorum. R.S.O. 1970, c. 110, s. 24.

Remuneration of part-time members **33.** The members of the Board who are part-time members shall serve without salary but may be paid such expenses and allowances for attendance at Board meetings and for other attendances in connection with the business of the Board as may be determined by the Lieutenant Governor in Council. R.S.O. 1970, c. 110, s. 25, *amended*.

Granting of parole **34.** Subject to the regulations, the Board may order the release from custody on parole of any inmate convicted of an offence under any Act of the Legislature, any Act of the Parliament of Canada or against a municipal by-law upon such conditions as the Board may determine. R.S.O. 1970, c. 110, s. 26, *amended*.

Jurisdiction **35.** The Board has exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this Part and as to any matter or thing in respect of which any power, authority or discretion is conferred upon the Board, and the action or decision of the Board thereon is final and conclusive and is not open to question or review in any court and no proceedings by or before the Board shall be restrained by injunction, prohibition or other pro-

cess or proceeding in any court or be removable by application for judicial review or otherwise into any court. *New.*

36. Where parole is granted, the term of parole shall include any portion of remission standing to the credit of the parolee when he is released. R.S.O. 1970, c. 110, s. 27, *amended.* Remissions

37. When required by the Board, it is the duty of every person having information relevant to the suitability of an inmate to be paroled to submit such information to the Board in writing in the form prescribed by the regulations. R.S.O. 1970, c. 110, s. 28. Information re parolees

38.—(1) Where a member of the Board, or such other person as is designated by the Board for the purpose, believes on reasonable and probable grounds that a parolee has failed to observe any of the conditions of his parole, he may authorize the arrest and return to a correctional institution of the parolee by a warrant in writing signed by him. Apprehension

(2) Where a parolee has been returned to a correctional institution under subsection 1, the Board shall review the parole as soon as possible thereafter, and shall decide either to revoke the parole or to release the parolee and allow him to continue on parole. R.S.O. 1970, c. 110, s. 29, *amended.* Review

39. The Board shall in each year make a report in writing to the Lieutenant Governor in Council of the history and proceedings of the Board during the twelve-month period ending on the 31st day of March of such year. R.S.O. 1970, c. 110, s. 31, *amended.* Annual report

40. Nothing in this Act shall be construed as affecting or impairing or as intending or purporting to affect or impair the powers of the Governor General of Canada or the Lieutenant Governor of Ontario to grant a reprieve, pardon or commutation of sentence in any case. R.S.O. 1970, c. 110, s. 32. Interpretation

PART IV

ADULT PROBATION

41. In this Part, "court" means a court of criminal jurisdiction. Interpretation

42.—(1) Such probation officers as are considered necessary for the purposes of this Act shall be appointed under *The Public Service Act.* Appointment of probation officers
R.S.O. 1970, c. 386

Jurisdiction

(2) Every probation officer appointed in accordance with subsection 1 is a probation officer in and for the Province of Ontario and shall perform his duties in such part of Ontario as is assigned to him from time to time by the Minister. R.S.O. 1970, c. 364, s. 1 (1, 2).

Idem

(3) The Minister shall appoint a person to be responsible for the supervision and administration of probation services throughout Ontario. *New.*

Duties of probation officer

43.—(1) It is the duty of a probation officer,

- (a) to procure and report to a court such information pertaining to a person found to have committed an offence as the court may require for the purpose of making a disposition of the case;
- (b) to make recommendations in the report referred to in clause *a* as to the disposition of the case upon being requested by the court;
- (c) to comply with any direction made to the probation officer by a court in a probation order.

Variation of direction

(2) Where a probation officer is of the opinion that compliance with a direction issued by a court is inconvenient or impossible, the probation officer may apply to the court for a variation of its direction, and the court, upon consideration of the reasons for the application, may vary its direction to the probation officer as it considers appropriate in the circumstances.

Duties assigned by Minister

(3) In addition to the duties of a probation officer referred to in subsection 1, a probation officer shall perform such other duties as are assigned to him by the Minister. *New.*

Breach of probation order

44. Where a probationer is convicted of an offence constituting a breach of condition of a probation order and,

- (a) the time within which he may appeal or apply for leave to appeal against that conviction has expired and he has not taken an appeal or applied for leave to appeal;
- (b) he has taken an appeal or applied for leave to appeal against the conviction and the appeal or application for leave has been dismissed or abandoned; or

- (c) he has given written notice to the court that convicted him that he elects not to appeal,

or where the probationer otherwise wilfully fails or refuses to comply with the order, he is guilty of an offence and upon conviction the court may,

- (d) impose a fine of not more than \$1,000 or imprisonment for a term of not more than thirty days, or both, and in lieu of or in addition to the penalty, continue the probation order with such changes or additions and for such extended term, not exceeding an additional year, as the court considers reasonable; or
- (e) where the judge presiding is the judge who made the original order, in lieu of imposing the penalty under clause *d*, revoke the probation order and impose the sentence that was suspended upon the making of the probation order. *New.*

PART V

GENERAL PROVISIONS

45. *The Statutory Powers Procedure Act, 1971* does not apply to proceedings for the discipline or transfer of inmates in correctional institutions, for the grievances of inmates, or for the authorization of temporary absences for inmates or to proceedings of the Board notwithstanding anything in that Act. 1971, c. 50, s. 27, *amended*. Applica-
tion of
1971, c. 47

46. The Lieutenant Governor in Council may make regulations, Regula-
tions

- (a) respecting the operation, management, inspection and classification of correctional institutions;
- (b) respecting the operation, management and inspection of community resource centres;
- (c) designating correctional institutions as reformatories for the purpose of the *Prisons and Reformatories Act* (Canada); R.S.C. 1970,
c. P-21
- (d) respecting the treatment, training, employment, discipline, control, grievances and privileges of inmates;
- (e) requiring the maintenance of records and providing for their destruction;

- (f) respecting the retention and disposal of inmate property;
- (g) providing for the granting of compassionate allowances;
- (h) providing for and establishing criteria for the granting of temporary absences or parole;
- (i) establishing rules of procedure for the Board;
- (j) providing for the appointment and remuneration of Board members;
- (k) respecting the duties and powers of directors, superintendents, probation officers, parole officers, correctional officers, volunteers and any other employee of the Ministry;
- (l) providing for the assessment of inmates;
- (m) providing for and prescribing fees and charges to recover costs incurred by the Ministry;
- (n) prescribing forms and providing for their use.
R.S.O. 1970, c. 110, s. 33, *amended*.

Repeals

47.—(1) *The Ministry of Correctional Services Act*, being chapter 110 of the Revised Statutes of Ontario, 1970, section 27 of *The Civil Rights Statutes Law Amendment Act*, 1971, being chapter 50 and section 59 of *The Government Reorganization Act*, 1972, being chapter 1, are repealed.

Idem

(2) *The Probation Act*, being chapter 364 of the Revised Statutes of Ontario, 1970 and section 60 of *The Government Reorganization Act*, 1972, being chapter 1, are repealed.

Commence-
ment

48.—(1) This Act, except Part IV and subsection 2 of section 47, comes into force on the day it receives Royal Assent.

Idem

(2) Part IV and subsection 2 of section 47 come into force on the 1st day of July, 1978.

Short title

49. The short title of this Act is *The Ministry of Correctional Services Act*, 1978.

An Act to revise
The Ministry of Correctional Services Act

1st Reading

May 11th, 1978

2nd Reading

3rd Reading

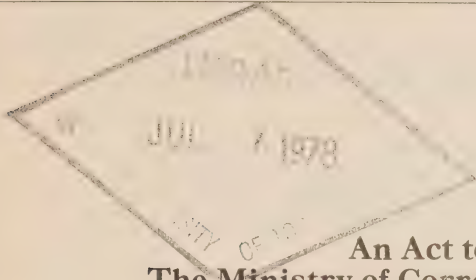
THE HON. F. DREA
Minister of Correctional Services

(Government Bill)

BILL 85

Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978



**An Act to revise
The Ministry of Correctional Services Act**

THE HON. F. DREA
Minister of Correctional Services

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Bill revises the existing *Ministry of Correctional Services Act*, enacted in its current form by the Statutes of Ontario, 1968, chapter 27, so appearing in the Revised Statutes of Ontario, 1970, as chapter 110, and amended since then by the Statutes of Ontario, 1971, chapter 50, section 27 and 1972, chapter 1, section 59. Among the principal features of the Bill are the following:

1. The Lieutenant Governor in Council is authorized to enter into agreements with other jurisdictions in Canada for the exchange of services and transfer of inmates. (s. 8 (1))
2. Provision is made for the confidentiality of the personal records of inmates, parolees and probationers. Communication of information from these records is permitted only for the purposes stated in the Bill or with the approval of the Minister. (s. 10)
3. The Minister may designate employees of the Ministry as police constables for specific purposes. (s. 11)
4. The Lieutenant Governor in Council may pay compassionate allowances to inmates who are permanently disabled as a result of injuries sustained during authorized activities at the correctional institution and to other persons who suffer injury or damage caused by an inmate. (s. 13)
5. The Bill provides for the designation, operation and management of community resource centres for the rehabilitation and supervision of inmates in a community setting. (s. 15)
6. The Bill reflects changes made in the *Criminal Law Amendment Act, 1977* (Canada) by eliminating indeterminate and indefinite sentences and statutory remission.
7. The Minister is permitted to remove inmates from a correctional institution if the institution becomes insecure. (s. 17)
8. The Minister may direct that a psychiatric assessment be made of an inmate by a physician. (s. 24 (4))
9. An inmate may surrender the whole or part of his remission in order to prolong confinement in a correctional institution for medical, humanitarian or rehabilitative reasons that are acceptable to the superintendent. (s. 28 (3))
10. The Bill allows for the early release of an inmate whose day for release otherwise falls on a weekend or a holiday if the early release will be of benefit to the inmate.
11. The size of the Parole Board may be expanded beyond its current seven members. (s. 31)
12. The Bill adds several provisions concerning adult probation services adapted from *The Probation Act*. This change is consistent with the administrative separation of probation services into adult and youth services.
13. The Bill provides that a probation officer who faces difficulty in following court directions may apply to the court for a variation of the directions. (s. 42 (2))

BILL 85

1978

An Act to revise The Ministry of Correctional Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Parole;
- (b) "compassionate allowance" means an allowance made under section 13 of this Act and the regulations;
- (c) "correctional institution" means a correctional institution established or continued under section 14 and does not include a training school established or authorized under *The Training Schools Act*, or a lock-up established under section 349 of *The Municipal Act*; R.S.O. 1970,
cc. 467, 284
- (d) "Deputy Minister" means the Deputy Minister of Correctional Services;
- (e) "inmate" means a person confined in a correctional institution or otherwise detained in lawful custody pursuant to a court order;
- (f) "Minister" means the Minister of Correctional Services;
- (g) "Ministry" means the Ministry of Correctional Services;
- (h) "parole" means authority granted to an inmate to be at large during the inmate's term of imprisonment;

- (i) "parolee" means an inmate who has been granted parole under this Act;
- (j) "probation" means the disposition of a court authorizing an offender to be at large subject to conditions prescribed in a probation order or a community service order;
- (k) "probation order" includes community service order;
- (l) "probationer" means a person who is bound by a probation order or a community service order;
- (m) "regulations" means the regulations made under this Act;
- (n) "remission" means statutory or earned remission, as the case requires.

PART I

MINISTRY OF CORRECTIONAL SERVICES

Ministry
continued

2.—(1) The ministry of the public service known as the Ministry of Correctional Services is continued.

Minister
to preside

(2) The Minister shall preside over and have charge of the Ministry.

Deputy
Minister

(3) The Lieutenant Governor in Council shall appoint a Deputy Minister of Correctional Services who shall be the deputy head of the Ministry. R.S.O. 1970, c. 110, s. 2, *amended*.

Duties of
Minister

3. The Minister is responsible for the administration of this Act and any Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council. R.S.O. 1970, c. 110, s. 3.

Functions
of
Ministry

4. It is the function of the Ministry to supervise the detention and release of inmates, parolees and probationers and to create for such persons a social environment in which they may achieve changes in attitude by providing training, treatment and services designed to afford an inmate, parolee or probationer the opportunity for successful personal and social adjustment in the community, and, without limiting the generality of the foregoing, the objects of the Ministry are to,

- (a) provide for the secure custody of persons awaiting trial or convicted of an offence;
 - (b) establish, maintain and operate correctional institutions;
 - (c) provide programs and facilities designed to assist in the rehabilitation of inmates;
 - (d) establish and operate a system of parole;
 - (e) provide probation services; and
 - (f) provide programs for the prevention of crime.
- New.*

5. Such officers and employees as are required from time to time for the proper conduct of the Ministry may be appointed under *The Public Service Act*. *New.*

Staff

R.S.O. 1970,
c. 386

6. The expenditures of the Ministry shall be paid out of moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 110, s. 4, *amended*.

Expendi-
tures

7. Where, under this or any other Act, a power or duty is granted to or vested in the Minister, he may in writing delegate that power or duty to the Deputy Minister, or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his delegation. R.S.O. 1970, c. 110, s. 5, *amended*.

Delegation
of
Minister's
powers

8.—(1) The Minister, with the approval of the Lieutenant Governor in Council, may, on behalf of the Crown in right of Ontario, make agreements with the Crown in right of Canada or of any province of Canada or with any municipality respecting,

Agree-
ments

- (a) the exchange of services provided by the Ministry;
- (b) the transfer of inmates;
- (c) any matter relating to the supervision and rehabilitation of an inmate, parolee or probationer; or
- (d) any matter for the administration of which the Minister is responsible.

(2) The Minister, for and in the name of the Crown, may enter into any contract or agreement that he considers

Idem

advisable for the purpose of carrying out the provisions of this Act.

Idem

(3) The employees of the Ministry under the direction of the Minister or the Deputy Minister may enter into contracts or agreements for and in the name of the Crown to carry out the responsibilities of the Ministry under this Act. R.S.O. 1970, c. 110, s. 6, *amended*.

Volunteers

9. Every person providing volunteer services to the Ministry shall serve under the direction of an employee of the Ministry. *New*.

Confidentiality

10. Every person employed in the administration of this Act, including any person making an inspection, investigation or inquiry under this Act, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inspection, investigation or inquiry and shall not communicate any such matters to any other person except,

R.S.C. 1970,
cc. P-2, P-6,
P-21, C-34

(a) as may be required in connection with the administration of this Act, the *Parole Act* (Canada), the *Penitentiary Act* (Canada), the *Prisons and Reformatories Act* (Canada) or the *Criminal Code* (Canada) or the regulations thereunder;

(b) to the Ombudsman of Ontario or Correctional Investigator of Canada;

(c) in statistical form if the person's name or identity is not revealed therein;

(d) with the approval of the Minister. *New*.

Employee
as
constable

11. The Minister may designate, in writing, any employee of the Ministry as a constable for such purposes as the Minister may set forth in the designation. *New*.

Protection
from
personal
liability

12.—(1) No action or other proceeding for damages shall be instituted against the Deputy Minister or any officer or employee of the Ministry or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty or for any act of an inmate, parolee or probationer while under his custody and supervision.

Idem

R.S.O. 1970,
c. 365

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*,

relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 1 to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. *New.*

13. The Lieutenant Governor in Council may pay a compassionate allowance in such manner and amounts as is prescribed in the regulations as compensation to an inmate for permanent disability arising from an injury suffered while engaged in an authorized activity at a correctional institution or to any other person for injury or damage inflicted upon that person by an inmate while under the custody and supervision of the Ministry. *New.*

Com-
passionate
allowance

PART II

CORRECTIONAL INSTITUTIONS

14.—(1) The correctional institutions existing before the day this Act comes into force continue to exist as correctional institutions.

Correc-
tional
institu-
tions

(2) The Lieutenant Governor in Council may, by order, establish or discontinue a correctional institution. R.S.O. 1970, c. 110, s. 7, *amended.*

Idem

(3) The Lieutenant Governor in Council may, by order, designate any place as a correctional institution for the temporary custody of inmates for such period as is stated in the order and may, by order, exempt the place so designated from the application of any provision or provisions of this Act. *New.*

Designated
correc-
tional in-
stitutions

15. The Minister may designate any facility as a community resource centre for the rehabilitation and supervision of inmates, parolees or probationers in a community setting away from a correctional institution and the Minister may withdraw a designation from such a facility. *New.*

Community
resource
centre

16.—(1) The court before which a person is convicted under an Act of the Legislature of an offence punishable by imprisonment may sentence the person to imprisonment in a correctional institution.

Sentence to
correc-
tional in-
stitution

(2) A person who has been sentenced to imprisonment in a correctional institution may be detained in any other correctional institution or in the custody of a provincial bailiff or other employee of the Ministry for the purpose

Custody
during
conveyance

of conveyance to the correctional institution to which the person was sentenced. R.S.O. 1970, c. 110, s. 8, *amended*.

Insecure
institu-
tions

17. Where the Minister has reason to believe that a correctional institution is insecure or unfit for the safe custody of inmates, the Minister may, by order, direct that one or more inmates confined in the institution be conveyed to another correctional institution for such period as is stated in the order and the Minister's order is sufficient authority to convey the inmate or inmates to the correctional institution. *New*.

Admissions
and
transfers

18. The Minister may designate in writing one or more employees of the Ministry to control and direct admissions to correctional institutions and who from time to time by warrant may transfer an inmate from one correctional institution to another. R.S.O. 1970, c. 110, s. 10, *amended*.

Provincial
bailiffs

19.—(1) The Minister may appoint provincial bailiffs who may convey an inmate in custody at a correctional institution to another correctional institution or penitentiary in which the inmate is lawfully directed to be confined.

Warrant

(2) A provincial bailiff may convey an inmate under the authority of a warrant issued under section 18 and such a warrant is sufficient authority for the director or superintendent to deliver the inmate named therein to the bailiff.

Powers

(3) A provincial bailiff has the powers of a constable when conveying an inmate under this section. R.S.O. 1970, c. 110, s. 15, *amended*.

Director,
superin-
tendent

20.—(1) There shall be a director or superintendent for each correctional institution to be responsible for the administration of the institution.

Duties

(2) The director or superintendent, as the case may be, shall receive into the institution every person delivered under lawful authority for detention therein and is responsible for the custody and supervision of such person until the term of imprisonment is completed or until the person is by warrant transferred or otherwise discharged in due course of law. R.S.O. 1970, c. 110, s. 9, *amended*.

Deputy
director,
deputy
superin-
tendent

(3) The Deputy Minister may designate a deputy director or deputy superintendent for each correctional institution to be responsible for the administration of the institution when the director or superintendent by reason of absence, illness or other cause, is unable to carry out his duties. *New*.

21. The Minister may designate a correctional institution for use by a municipality as a lock-up and, where the Minister makes such a designation, the municipality shall pay to the Treasurer of Ontario annually such rate per day for persons in custody in the lock-up as is fixed by the Minister for the year. R.S.O. 1970, c. 110, s. 13, *amended*.

Use of
correc-
tional insti-
tution
lock-up



22. The Minister may designate any person as an inspector to make such inspection or investigation as the Minister may require in connection with the administration of this Act, and the Minister may and has just cause to dismiss any employee of the Ministry who obstructs an inspection or investigation or withholds, destroys, conceals or refuses to furnish any information or thing required by an inspector for the purposes of the inspection or investigation. R.S.O. 1970, c. 110, s. 11, *amended*.

Inspection.
investiga-
tion



23. The Minister may, by order, appoint a person to make an inquiry into any matter to which this Act applies as may be specified in the Minister's order and the person so appointed shall report the result of the inquiry to the Minister and, for the purposes of the inquiry, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. R.S.O. 1970, c. 110, s. 12, *amended*.

Ministerial
inquiry

1971, c. 49

24.—(1) Where a person confined in a correctional institution requires hospital treatment that cannot be supplied at the institution, the director or superintendent shall arrange for the person to receive such treatment at a public hospital and shall report the matter to such persons as the Minister may require.

Hospital
treatment

(2) Where a person confined in a correctional institution requires hospitalization in a psychiatric facility under *The Mental Health Act*, the director or superintendent shall arrange for the person to be so hospitalized and shall report the matter to such persons as the Minister may require. R.S.O. 1970, c. 110, s. 16 (1, 2), *amended*.

Psychiatric
treatment
R.S.O. 1970,
c. 269

(3) Where a director or superintendent is unable to have a person hospitalized, he shall notify an employee of the Ministry designated by the Minister for the purpose and the employee shall then make arrangements to have the person hospitalized.

Idem

(4) The Minister may, by order, direct that an examination be made of an inmate by a psychiatrist or psychologist


Mental
examina-
tion

in a manner prescribed by the regulations for the purpose of assessing the emotional and mental condition of the inmate. *New.*

Rehabilita-
tion
programs

25. The Minister may establish rehabilitation programs under which inmates may be granted the privilege of continuing to work at their regular employment, obtaining new employment, attending academic institutions, or participating in any other program that the Minister may consider advisable in order that such persons may have a better opportunity for rehabilitation. R.S.O. 1970, c. 110, s. 19, *amended.*


Work
outside
institution

 **26.**—(1) The Minister may authorize an inmate or group of inmates to participate in a work project or rehabilitation program outside the correctional institution in which the inmate or inmates are confined and the Minister may authorize the absence of the inmate or group of inmates from the correctional institution for that purpose on such terms and conditions as the Minister may specify. R.S.O. 1970, c. 110, s. 17, *amended.*

Idem

(2) Every inmate who is absent from a correctional institution under subsection 1 shall comply with such terms and conditions as are specified by the Minister.

Offence

(3) Every inmate who contravenes subsection 2 without lawful excuse, the proof of which lies upon him, is guilty of an offence and on summary conviction is liable to imprisonment for a term of not more than one year. *New.* 

Temporary
absence

27.—(1) Where, in the opinion of an officer of the Ministry, designated by the Lieutenant Governor in Council for the purpose, it is necessary or desirable that an inmate be temporarily absent from a correctional institution for medical or humanitarian reasons or to assist him in his rehabilitation, the officer may authorize the temporary absence of the inmate on such terms and conditions as he may specify.

Idem

(2) Every inmate temporarily absent under subsection 1 shall comply with such terms and conditions as are specified and shall return to the correctional institution at the expiration of the period for which he is authorized to be at large.

Offence

(3) Every inmate who contravenes subsection 2 without lawful excuse, the proof of which lies upon him, is guilty of an offence and on summary conviction is liable to imprison-

ment for a term of not more than one year. R.S.O. 1970, c. 110, s. 18, *amended*.

28.—(1) Every inmate may be credited with remission of his sentence and is subject to the forfeitures of such remission equivalent to that provided for in the *Prisons and Reformatories Act* (Canada) except that a sentence shall not be reduced, by reason of remission, to less than two days. Remission
R.S.C. 1970,
c. P-21

(2) Where an inmate has forfeited the whole or any part of his remission, an officer of the Ministry designated by the Lieutenant Governor in Council for the purpose may, where he is satisfied that it is in the interest of the inmate's rehabilitation, remit the whole or any part of such forfeiture. Restora-
tion of
forfeiture
remission
R.S.O. 1970, c. 110, s. 20, *amended*.

(3) Where an inmate offers to surrender the whole or any part of his remission and where, in the opinion of the director or superintendent, it is necessary or desirable that the inmate remain confined in the correctional institution for medical or humanitarian reasons or to assist him in his rehabilitation for a period of time after the day on which the inmate is eligible to be released by reason of remission, the director or superintendent, as the case may be, may authorize the surrender of remission by the inmate. Surrender
of
remission

(4) Where an inmate surrenders remission under subsection 3, the inmate shall remain confined in the correctional institution for such further period that corresponds to the amount of remission surrendered, under the same control and supervision and with the same privileges as if he were not eligible to be released at that time. Super-
vision,
privileges
continued

(5) Notwithstanding subsection 3, a director or superintendent may withdraw an authorization and an inmate may withdraw a surrender of remission at any time after the day on which the inmate was eligible for release from the correctional institution, and where such withdrawal is made in writing, the inmate shall be released from the institution forthwith. *New*. With-
drawal

29. Where the date of release from custody of an inmate falls upon a weekend or holiday and the director or superintendent is of the opinion that release during the weekend or holiday would inconvenience the inmate in obtaining transportation, lodging or any other service necessary for his adjustment to community life outside the correctional institution, the director or superintendent may release the inmate on the day preceding the weekend or holiday. *New*. Early
release

Employees
not to be
interested
in
contracts

30.—(1) No officer or employee of the Ministry shall, without the approval of the Minister, either in his own name or in the name of or in connection with or as the agent of any other person, provide, furnish or supply any materials, goods or provisions for the use of a correctional institution or community resource centre, or have an interest, directly or indirectly, in furnishing, supplying or transporting the same or in any contract relating thereto.

Employees
not to trade,
etc., with
persons in
custody

(2) No officer or employee of the Ministry shall, without the approval of the Minister, buy from or sell to any inmate, parolee or probationer anything whatsoever or take or receive to his own use or for the use of any other person, any fee or gratuity from any inmate in a correctional institution or from any visitor thereto or any parolee or probationer or from any other person in respect of an inmate, parolee or probationer.

Offence

(3) Every person who contravenes subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000. R.S.O. 1970, c. 110, ss. 21, 22, *amended*.

PART III

PAROLE

Board of
Parole

31. The Board of Parole is continued and shall be composed of such full-time and part-time members appointed by the Lieutenant Governor in Council as the Lieutenant Governor in Council may consider necessary. R.S.O. 1970, c. 110, s. 23, *amended*.

Chairman

32.—(1) The Lieutenant Governor in Council may designate one of the members of the Board to be the chairman thereof.

Quorum

(2) Three members of the Board constitute a quorum. R.S.O. 1970, c. 110, s. 24.

Remunera-
tion of
part-time
members

33. The members of the Board who are part-time members shall serve without salary but may be paid such expenses and allowances for attendance at Board meetings and for other attendances in connection with the business of the Board as may be determined by the Lieutenant Governor in Council. R.S.O. 1970, c. 110, s. 25, *amended*.

Granting
of parole

34. Subject to the regulations, the Board may order the release from custody on parole of any inmate convicted of

an offence under any Act of the Legislature, any Act of the Parliament of Canada or against a municipal by-law upon such conditions as the Board may determine. R.S.O. 1970, c. 110, s. 26, *amended*.


35. The Board has exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this Part and as to any matter or thing in respect of which any power, authority or discretion is conferred upon the Board, and the action or decision of the Board thereon is final and conclusive and is not open to question or review in any court and no proceedings by or before the Board shall be restrained by injunction, prohibition or other process or proceeding in any court or be removable by application for judicial review or otherwise into any court. *New*.

36. Where parole is granted, the term of parole shall include any portion of remission standing to the credit of the parolee when he is released. R.S.O. 1970, c. 110, s. 27, *amended*. Remissions

37. When required by the Board, it is the duty of every person having information relevant to the suitability of an inmate to be paroled to submit such information to the Board in writing in the form prescribed by the regulations. R.S.O. 1970, c. 110, s. 28. Information re parolees

38.—(1) Where a member of the Board, or such other person as is designated by the Board for the purpose, believes on reasonable and probable grounds that a parolee has failed to observe any of the conditions of his parole, he may authorize the arrest and return to a correctional institution of the parolee by a warrant in writing signed by him. Apprehension

(2) Where a parolee has been returned to a correctional institution under subsection 1, the Board shall review the parole as soon as possible thereafter, and shall decide either to revoke the parole or to release the parolee and allow him to continue on parole. R.S.O. 1970, c. 110, s. 29, *amended*. Review

 (3) Where parole is revoked under subsection 2, the parolee shall, notwithstanding that parole was granted before the coming into force of this Act, serve the portion of his term of imprisonment, including any remission, that remained unexpired at the time parole was granted, less, Calculation of term if parole revoked

(a) the period of time spent on parole after the coming into force of this Act;

- (b) the period of time during which parole was suspended and the parolee was in custody; and
- (c) any remission earned after the coming into force of this Act and applicable to the period during which the parole was suspended and the parolee was in custody. *New.*

Annual
report

39. The Board shall in each year make a report in writing to the Lieutenant Governor in Council of the history and proceedings of the Board during the twelve-month period ending on the 31st day of March of such year. R.S.O. 1970, c. 110, s. 31, *amended.*

Interpre-
tation

40. Nothing in this Act shall be construed as affecting or impairing or as intending or purporting to affect or impair the powers of the Governor General of Canada or the Lieutenant Governor of Ontario to grant a reprieve, pardon or commutation of sentence in any case. R.S.O. 1970, c. 110, s. 32.

PART IV

ADULT PROBATION

Interpre-
tation

41. In this Part, "court" means a court of criminal jurisdiction.

Appoint-
ment of
probation
officers
R.S.O. 1970,
c. 386

42.—(1) Such probation officers as are considered necessary for the purposes of this Act shall be appointed under *The Public Service Act.*

Jurisdic-
tion

(2) Every probation officer appointed in accordance with subsection 1 is a probation officer in and for the Province of Ontario and shall perform his duties in such part of Ontario as is assigned to him from time to time by the Minister. R.S.O. 1970, c. 364, s. 1 (1, 2).

Idem

(3) There shall be a supervisor of probation services to be responsible throughout Ontario for the supervision and administration of probation services provided by the Ministry. *New.*

Duties of
probation
officer

43.—(1) It is the duty of a probation officer,

- (a) to procure and report to a court such information pertaining to a person found to have committed an offence as the court may require for the purpose of making a disposition of the case;

- (b) to make recommendations in the report referred to in clause *a* as to the disposition of the case upon being requested by the court;
- (c) to comply with any direction made to the probation officer by a court in a probation order.

(2) Where a probation officer is of the opinion that compliance with a direction issued by a court is inconvenient or impossible, the probation officer may apply to the court for a variation of its direction, and the court, upon consideration of the reasons for the application, may vary its direction to the probation officer as it considers appropriate in the circumstances.

(3) In addition to the duties of a probation officer referred to in subsection 1, a probation officer shall perform such other duties as are assigned to him by the Minister. *New:*

44. Where a probationer is convicted of an offence constituting a breach of condition of a probation order and,

- (a) the time within which he may appeal or apply for leave to appeal against that conviction has expired and he has not taken an appeal or applied for leave to appeal;
- (b) he has taken an appeal or applied for leave to appeal against the conviction and the appeal or application for leave has been dismissed or abandoned; or
- (c) he has given written notice to the court that convicted him that he elects not to appeal,

or where the probationer otherwise wilfully fails or refuses to comply with the order, he is guilty of an offence and upon conviction the court may,

- (d) impose a fine of not more than \$1,000 or imprisonment for a term of not more than thirty days, or both, and in lieu of or in addition to the penalty, continue the probation order with such changes or additions and for such extended term, not exceeding an additional year, as the court considers reasonable; or
- (e) where the judge presiding is the judge who made the original order, in lieu of imposing the penalty

under clause *d*, revoke the probation order and impose the sentence that was suspended upon the making of the probation order. *New.*

PART V

GENERAL PROVISIONS

Applica-
tion of
1971, c. 47

45. *The Statutory Powers Procedure Act, 1971* does not apply to proceedings for the discipline or transfer of inmates in correctional institutions, for the grievances of inmates, or for the authorization of temporary absences for inmates or to proceedings of the Board notwithstanding anything in that Act. 1971, c. 50, s. 27, *amended.*

Member of
Legislative
Assembly

46. Every member of the Legislative Assembly of Ontario is entitled to enter and inspect any correctional institution, community resource centre or other facility established or designated under this Act for any purpose related to the member's duties and responsibilities as a member of the Legislative Assembly unless the Minister determines that the institution, community resource centre or facility is insecure or an emergency condition exists therein. *New.*

Regula-
tions

47. The Lieutenant Governor in Council may make regulations,

- (a) respecting the operation, management, inspection and classification of correctional institutions;
- (b) respecting the operation, management and inspection of community resource centres;
- (c) designating correctional institutions as reformatories for the purpose of the *Prisons and Reformatories Act* (Canada);
- (d) respecting the treatment, training, employment, discipline, control, grievances and privileges of inmates;
- (e) requiring the maintenance of records and providing for their destruction;
- (f) respecting the retention and disposal of inmate property;
- (g) providing for the granting of compassionate allowances;

R.S.C. 1970,
c. P-21

- (h) providing for and establishing criteria for the granting of temporary absences or parole;
- (i) establishing rules of procedure for the Board;
- (j) providing for the appointment and remuneration of Board members;
- (k) respecting the duties and powers of directors, superintendents, probation officers, parole officers, correctional officers, volunteers and any other employee of the Ministry;
- (l) providing for the assessment of inmates;
- (m) providing for and prescribing fees and charges to recover costs incurred by the Ministry;
- (n) prescribing forms and providing for their use.
R.S.O. 1970, c. 110, s. 33, *amended*.

48.—(1) *The Ministry of Correctional Services Act*, being ^{Repeals} chapter 110 of the Revised Statutes of Ontario, 1970, section 27 of *The Civil Rights Statutes Law Amendment Act, 1971*, being chapter 50 and section 59 of *The Government Reorganization Act, 1972*, being chapter 1, are repealed.

(2) *The Probation Act*, being chapter 364 of the Revised ^{Idem} Statutes of Ontario, 1970 and section 60 of *The Government Reorganization Act, 1972*, being chapter 1, are repealed.

49.—(1) This Act, except Part IV and subsection 2 of ^{Commence-} section 48, comes into force on the day it receives Royal ^{ment} Assent.

(2) Part IV and subsection 2 of section 48 come into force ^{Idem} on the 1st day of July, 1978.

50. The short title of this Act is *The Ministry of Cor-* ^{Short title}
rectional Services Act, 1978.

An Act to revise
The Ministry of Correctional Services Act

1st Reading

May 11th, 1978

2nd Reading

May 30th, 1978

3rd Reading

THE HON. F. DREA
Minister of Correctional Services

(Reprinted as amended by the
Committee of the Whole House)

56 2 LL **BILL 85**

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to revise
The Ministry of Correctional Services Act**

THE HON. F. DREA
Minister of Correctional Services



BILL 85

1978

An Act to revise The Ministry of Correctional Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Parole;
- (b) "compassionate allowance" means an allowance made under section 13 of this Act and the regulations;
- (c) "correctional institution" means a correctional institution established or continued under section 14 and does not include a training school established or authorized under *The Training Schools Act*, or a lock-up established under section 349 of *The Municipal Act*; R.S.O. 1970,
cc. 467, 284
- (d) "Deputy Minister" means the Deputy Minister of Correctional Services;
- (e) "inmate" means a person confined in a correctional institution or otherwise detained in lawful custody pursuant to a court order;
- (f) "Minister" means the Minister of Correctional Services;
- (g) "Ministry" means the Ministry of Correctional Services;
- (h) "parole" means authority granted to an inmate to be at large during the inmate's term of imprisonment;

- (i) "parolee" means an inmate who has been granted parole under this Act;
- (j) "probation" means the disposition of a court authorizing an offender to be at large subject to conditions prescribed in a probation order or a community service order;
- (k) "probation order" includes community service order;
- (l) "probationer" means a person who is bound by a probation order or a community service order;
- (m) "regulations" means the regulations made under this Act;
- (n) "remission" means statutory or earned remission, as the case requires.

PART I

MINISTRY OF CORRECTIONAL SERVICES

Ministry
continued

2.—(1) The ministry of the public service known as the Ministry of Correctional Services is continued.

Minister
to preside

(2) The Minister shall preside over and have charge of the Ministry.

Deputy
Minister

(3) The Lieutenant Governor in Council shall appoint a Deputy Minister of Correctional Services who shall be the deputy head of the Ministry. R.S.O. 1970, c. 110, s. 2, *amended*.

Duties of
Minister

3. The Minister is responsible for the administration of this Act and any Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council. R.S.O. 1970, c. 110, s. 3.

Functions
of
Ministry

4. It is the function of the Ministry to supervise the detention and release of inmates, parolees and probationers and to create for such persons a social environment in which they may achieve changes in attitude by providing training, treatment and services designed to afford an inmate, parolee or probationer the opportunity for successful personal and social adjustment in the community, and, without limiting the generality of the foregoing, the objects of the Ministry are to,

- (a) provide for the secure custody of persons awaiting trial or convicted of an offence;
 - (b) establish, maintain and operate correctional institutions;
 - (c) provide programs and facilities designed to assist in the rehabilitation of inmates;
 - (d) establish and operate a system of parole;
 - (e) provide probation services; and
 - (f) provide programs for the prevention of crime.
- New.*

5. Such officers and employees as are required from time to time for the proper conduct of the Ministry may be appointed under *The Public Service Act.* *New.*

Staff

R.S.O. 1970,
c. 386

6. The expenditures of the Ministry shall be paid out of moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 110, s. 4, *amended.*

Expenditures

7. Where, under this or any other Act, a power or duty is granted to or vested in the Minister, he may in writing delegate that power or duty to the Deputy Minister, or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his delegation. R.S.O. 1970, c. 110, s. 5, *amended.*

Delegation
of
Minister's
powers

8.—(1) The Minister, with the approval of the Lieutenant Governor in Council, may, on behalf of the Crown in right of Ontario, make agreements with the Crown in right of Canada or of any province of Canada or with any municipality respecting,

Agreements

- (a) the exchange of services provided by the Ministry;
- (b) the transfer of inmates;
- (c) any matter relating to the supervision and rehabilitation of an inmate, parolee or probationer; or
- (d) any matter for the administration of which the Minister is responsible.

(2) The Minister, for and in the name of the Crown, may enter into any contract or agreement that he considers

Idem

advisable for the purpose of carrying out the provisions of this Act.

Idem (3) The employees of the Ministry under the direction of the Minister or the Deputy Minister may enter into contracts or agreements for and in the name of the Crown to carry out the responsibilities of the Ministry under this Act. R.S.O. 1970, c. 110, s. 6, *amended*.

Volunteers 9. Every person providing volunteer services to the Ministry shall serve under the direction of an employee of the Ministry. *New*.

Confidentiality 10. Every person employed in the administration of this Act, including any person making an inspection, investigation or inquiry under this Act, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inspection, investigation or inquiry and shall not communicate any such matters to any other person except,

(a) as may be required in connection with the administration of this Act, the *Parole Act* (Canada), the *Penitentiary Act* (Canada), the *Prisons and Reformatories Act* (Canada) or the *Criminal Code* (Canada) or the regulations thereunder;

(b) to the Ombudsman of Ontario or Correctional Investigator of Canada;

(c) in statistical form if the person's name or identity is not revealed therein;

(d) with the approval of the Minister. *New*.

Employee as constable 11. The Minister may designate, in writing, any employee of the Ministry as a constable for such purposes as the Minister may set forth in the designation. *New*.

Protection from personal liability 12.—(1) No action or other proceeding for damages shall be instituted against the Deputy Minister or any officer or employee of the Ministry or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty or for any act of an inmate, parolee or probationer while under his custody and supervision.

Idem (2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*,
R.S.O. 1970, c. 365

relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 1 to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. *New.*

13. The Lieutenant Governor in Council may pay a compassionate allowance in such manner and amounts as is prescribed in the regulations as compensation to an inmate for permanent disability arising from an injury suffered while engaged in an authorized activity at a correctional institution or to any other person for injury or damage inflicted upon that person by an inmate while under the custody and supervision of the Ministry. *New.*

Com-
passionate
allowance

PART II

CORRECTIONAL INSTITUTIONS

14.—(1) The correctional institutions existing before the day this Act comes into force continue to exist as correctional institutions.

Correc-
tional
institu-
tions

(2) The Lieutenant Governor in Council may, by order, establish or discontinue a correctional institution. R.S.O. 1970, c. 110, s. 7, *amended.*

Idem

(3) The Lieutenant Governor in Council may, by order, designate any place as a correctional institution for the temporary custody of inmates for such period as is stated in the order and may, by order, exempt the place so designated from the application of any provision or provisions of this Act. *New.*

Designated
correc-
tional
insti-
tutions

15. The Minister may designate any facility as a community resource centre for the rehabilitation and supervision of inmates, parolees or probationers in a community setting away from a correctional institution and the Minister may withdraw a designation from such a facility. *New.*

Community
resource
centre

16.—(1) The court before which a person is convicted under an Act of the Legislature of an offence punishable by imprisonment may sentence the person to imprisonment in a correctional institution.

Sentence to
correc-
tional
insti-
tution

(2) A person who has been sentenced to imprisonment in a correctional institution may be detained in any other correctional institution or in the custody of a provincial bailiff or other employee of the Ministry for the purpose

Custody
during
conveyance

of conveyance to the correctional institution to which the person was sentenced. R.S.O. 1970, c. 110, s. 8, *amended*.

Insecure
institu-
tions

17. Where the Minister has reason to believe that a correctional institution is insecure or unfit for the safe custody of inmates, the Minister may, by order, direct that one or more inmates confined in the institution be conveyed to another correctional institution for such period as is stated in the order and the Minister's order is sufficient authority to convey the inmate or inmates to the correctional institution. *New*.

Admissions
and
transfers

18. The Minister may designate in writing one or more employees of the Ministry to control and direct admissions to correctional institutions and who from time to time by warrant may transfer an inmate from one correctional institution to another. R.S.O. 1970, c. 110, s. 10, *amended*.

Provincial
bailiffs

19.—(1) The Minister may appoint provincial bailiffs who may convey an inmate in custody at a correctional institution to another correctional institution or penitentiary in which the inmate is lawfully directed to be confined.

Warrant

(2) A provincial bailiff may convey an inmate under the authority of a warrant issued under section 18 and such a warrant is sufficient authority for the director or superintendent to deliver the inmate named therein to the bailiff.

Powers

(3) A provincial bailiff has the powers of a constable when conveying an inmate under this section. R.S.O. 1970, c. 110, s. 15, *amended*.

Director,
superin-
tendent

20.—(1) There shall be a director or superintendent for each correctional institution to be responsible for the administration of the institution.

Duties

(2) The director or superintendent, as the case may be, shall receive into the institution every person delivered under lawful authority for detention therein and is responsible for the custody and supervision of such person until the term of imprisonment is completed or until the person is by warrant transferred or otherwise discharged in due course of law. R.S.O. 1970, c. 110, s. 9, *amended*.

Deputy
director,
deputy
superin-
tendent

(3) The Deputy Minister may designate a deputy director or deputy superintendent for each correctional institution to be responsible for the administration of the institution when the director or superintendent by reason of absence, illness or other cause, is unable to carry out his duties. *New*.

21. The Minister may designate a correctional institution for use by a municipality as a lock-up and, where the Minister makes such a designation, the municipality shall pay to the Treasurer of Ontario annually such rate per day for persons in custody in the lock-up as is fixed by the Minister for the year. R.S.O. 1970, c. 110, s. 13, *amended*.

Use of
correctional
institution
lock-up

22. The Minister may designate any person as an inspector to make such inspection or investigation as the Minister may require in connection with the administration of this Act, and the Minister may and has just cause to dismiss any employee of the Ministry who obstructs an inspection or investigation or withholds, destroys, conceals or refuses to furnish any information or thing required by an inspector for the purposes of the inspection or investigation. R.S.O. 1970, c. 110, s. 11, *amended*.

Inspection,
investiga-
tion

23. The Minister may, by order, appoint a person to make an inquiry into any matter to which this Act applies as may be specified in the Minister's order and the person so appointed shall report the result of the inquiry to the Minister and, for the purposes of the inquiry, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. R.S.O. 1970, c. 110, s. 12, *amended*.

Ministerial
inquiry

1971, c. 49

24.—(1) Where a person confined in a correctional institution requires hospital treatment that cannot be supplied at the institution, the director or superintendent shall arrange for the person to receive such treatment at a public hospital and shall report the matter to such persons as the Minister may require.

Hospital
treatment

(2) Where a person confined in a correctional institution requires hospitalization in a psychiatric facility under *The Mental Health Act*, the director or superintendent shall arrange for the person to be so hospitalized and shall report the matter to such persons as the Minister may require. R.S.O. 1970, c. 110, s. 16 (1, 2), *amended*.

Psychiatric
treatment
R.S.O. 1970,
c. 269

(3) Where a director or superintendent is unable to have a person hospitalized, he shall notify an employee of the Ministry designated by the Minister for the purpose and the employee shall then make arrangements to have the person hospitalized.

Idem

(4) The Minister may, by order, direct that an examination be made of an inmate by a psychiatrist or psychologist

Mental
examina-
tion

in a manner prescribed by the regulations for the purpose of assessing the emotional and mental condition of the inmate. *New.*

Rehabilita-
tion
programs

25. The Minister may establish rehabilitation programs under which inmates may be granted the privilege of continuing to work at their regular employment, obtaining new employment, attending academic institutions, or participating in any other program that the Minister may consider advisable in order that such persons may have a better opportunity for rehabilitation. R.S.O. 1970, c. 110, s. 19, *amended.*

Work
outside
institution

26.—(1) The Minister may authorize an inmate or group of inmates to participate in a work project or rehabilitation program outside the correctional institution in which the inmate or inmates are confined and the Minister may authorize the absence of the inmate or group of inmates from the correctional institution for that purpose on such terms and conditions as the Minister may specify. R.S.O. 1970, c. 110, s. 17, *amended.*

Idem

(2) Every inmate who is absent from a correctional institution under subsection 1 shall comply with such terms and conditions as are specified by the Minister.

Offence

(3) Every inmate who contravenes subsection 2 without lawful excuse, the proof of which lies upon him, is guilty of an offence and on summary conviction is liable to imprisonment for a term of not more than one year. *New.*

Temporary
absence

27.—(1) Where, in the opinion of an officer of the Ministry, designated by the Lieutenant Governor in Council for the purpose, it is necessary or desirable that an inmate be temporarily absent from a correctional institution for medical or humanitarian reasons or to assist him in his rehabilitation, the officer may authorize the temporary absence of the inmate on such terms and conditions as he may specify.

Idem

(2) Every inmate temporarily absent under subsection 1 shall comply with such terms and conditions as are specified and shall return to the correctional institution at the expiration of the period for which he is authorized to be at large.

Offence

(3) Every inmate who contravenes subsection 2 without lawful excuse, the proof of which lies upon him, is guilty of an offence and on summary conviction is liable to imprison-

ment for a term of not more than one year. R.S.O. 1970, c. 110, s. 18, *amended*.

28.—(1) Every inmate may be credited with remission of his sentence and is subject to the forfeitures of such remission equivalent to that provided for in the *Prisons and Reformatories Act* (Canada) except that a sentence shall not be reduced, by reason of remission, to less than two days. Remission
R.S.C. 1970,
c. P-21

(2) Where an inmate has forfeited the whole or any part of his remission, an officer of the Ministry designated by the Lieutenant Governor in Council for the purpose may, where he is satisfied that it is in the interest of the inmate's rehabilitation, remit the whole or any part of such forfeiture. Restora-
tion of
forfeiture
remission
R.S.O. 1970, c. 110, s. 20, *amended*.

(3) Where an inmate offers to surrender the whole or any part of his remission and where, in the opinion of the director or superintendent, it is necessary or desirable that the inmate remain confined in the correctional institution for medical or humanitarian reasons or to assist him in his rehabilitation for a period of time after the day on which the inmate is eligible to be released by reason of remission, the director or superintendent, as the case may be, may authorize the surrender of remission by the inmate. Surrender
of
remission

(4) Where an inmate surrenders remission under subsection 3, the inmate shall remain confined in the correctional institution for such further period that corresponds to the amount of remission surrendered, under the same control and supervision and with the same privileges as if he were not eligible to be released at that time. Super-
vision,
privileges
continued

(5) Notwithstanding subsection 3, a director or superintendent may withdraw an authorization and an inmate may withdraw a surrender of remission at any time after the day on which the inmate was eligible for release from the correctional institution, and where such withdrawal is made in writing, the inmate shall be released from the institution forthwith. *New.* With-
drawal

29. Where the date of release from custody of an inmate falls upon a weekend or holiday and the director or superintendent is of the opinion that release during the weekend or holiday would inconvenience the inmate in obtaining transportation, lodging or any other service necessary for his adjustment to community life outside the correctional institution, the director or superintendent may release the inmate on the day preceding the weekend or holiday. *New.* Early
release

Employees
not to be
interested
in
contracts

30.—(1) No officer or employee of the Ministry shall, without the approval of the Minister, either in his own name or in the name of or in connection with or as the agent of any other person, provide, furnish or supply any materials, goods or provisions for the use of a correctional institution or community resource centre, or have an interest, directly or indirectly, in furnishing, supplying or transporting the same or in any contract relating thereto.

Employees
not to trade,
etc., with
persons in
custody

(2) No officer or employee of the Ministry shall, without the approval of the Minister, buy from or sell to any inmate, parolee or probationer anything whatsoever or take or receive to his own use or for the use of any other person, any fee or gratuity from any inmate in a correctional institution or from any visitor thereto or any parolee or probationer or from any other person in respect of an inmate, parolee or probationer.

Offence

(3) Every person who contravenes subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000. R.S.O. 1970, c. 110, ss. 21, 22, *amended*.

PART III

PAROLE

Board of
Parole

31. The Board of Parole is continued and shall be composed of such full-time and part-time members appointed by the Lieutenant Governor in Council as the Lieutenant Governor in Council may consider necessary. R.S.O. 1970, c. 110, s. 23, *amended*.

Chairman

32.—(1) The Lieutenant Governor in Council may designate one of the members of the Board to be the chairman thereof.

Quorum

(2) Three members of the Board constitute a quorum. R.S.O. 1970, c. 110, s. 24.

Remunera-
tion of
part-time
members

33. The members of the Board who are part-time members shall serve without salary but may be paid such expenses and allowances for attendance at Board meetings and for other attendances in connection with the business of the Board as may be determined by the Lieutenant Governor in Council. R.S.O. 1970, c. 110, s. 25, *amended*.

Granting
of parole

34. Subject to the regulations, the Board may order the release from custody on parole of any inmate convicted of

an offence under any Act of the Legislature, any Act of the Parliament of Canada or against a municipal by-law upon such conditions as the Board may determine. R.S.O. 1970, c. 110, s. 26, *amended*.

35. The Board has exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this Part and as to any matter or thing in respect of which any power, authority or discretion is conferred upon the Board, and the action or decision of the Board thereon is final and conclusive and is not open to question or review in any court and no proceedings by or before the Board shall be restrained by injunction, prohibition or other process or proceeding in any court or be removable by application for judicial review or otherwise into any court. *New*.

36. Where parole is granted, the term of parole shall include any portion of remission standing to the credit of the parolee when he is released. R.S.O. 1970, c. 110, s. 27, *amended*. Remissions

37. When required by the Board, it is the duty of every person having information relevant to the suitability of an inmate to be paroled to submit such information to the Board in writing in the form prescribed by the regulations. R.S.O. 1970, c. 110, s. 28. Information re parolees

38.—(1) Where a member of the Board, or such other person as is designated by the Board for the purpose, believes on reasonable and probable grounds that a parolee has failed to observe any of the conditions of his parole, he may authorize the arrest and return to a correctional institution of the parolee by a warrant in writing signed by him. Apprehension

(2) Where a parolee has been returned to a correctional institution under subsection 1, the Board shall review the parole as soon as possible thereafter, and shall decide either to revoke the parole or to release the parolee and allow him to continue on parole. R.S.O. 1970, c. 110, s. 29, *amended*. Review

(3) Where parole is revoked under subsection 2, the parolee shall, notwithstanding that parole was granted before the coming into force of this Act, serve the portion of his term of imprisonment, including any remission, that remained unexpired at the time parole was granted, less, Calculation of term if parole revoked

(a) the period of time spent on parole after the coming into force of this Act;

- (b) the period of time during which parole was suspended and the parolee was in custody; and
- (c) any remission earned after the coming into force of this Act and applicable to the period during which the parole was suspended and the parolee was in custody. *New.*

Annual
report

39. The Board shall in each year make a report in writing to the Lieutenant Governor in Council of the history and proceedings of the Board during the twelve-month period ending on the 31st day of March of such year. R.S.O. 1970, c. 110, s. 31, *amended*.

Interpre-
tation

40. Nothing in this Act shall be construed as affecting or impairing or as intending or purporting to affect or impair the powers of the Governor General of Canada or the Lieutenant Governor of Ontario to grant a reprieve, pardon or commutation of sentence in any case. R.S.O. 1970, c. 110, s. 32.

PART IV

ADULT PROBATION

Interpre-
tation

41. In this Part, "court" means a court of criminal jurisdiction.

Appoint-
ment of
probation
officers
R.S.O. 1970,
c. 386

42.—(1) Such probation officers as are considered necessary for the purposes of this Act shall be appointed under *The Public Service Act*.

Jurisdic-
tion

(2) Every probation officer appointed in accordance with subsection 1 is a probation officer in and for the Province of Ontario and shall perform his duties in such part of Ontario as is assigned to him from time to time by the Minister. R.S.O. 1970, c. 364, s. 1 (1, 2).

Idem

(3) There shall be a supervisor of probation services to be responsible throughout Ontario for the supervision and administration of probation services provided by the Ministry. *New.*

Duties of
probation
officer

43.—(1) It is the duty of a probation officer,

- (a) to procure and report to a court such information pertaining to a person found to have committed an offence as the court may require for the purpose of making a disposition of the case;

- (b) to make recommendations in the report referred to in clause *a* as to the disposition of the case upon being requested by the court;
- (c) to comply with any direction made to the probation officer by a court in a probation order.

(2) Where a probation officer is of the opinion that compliance with a direction issued by a court is inconvenient or impossible, the probation officer may apply to the court for a variation of its direction, and the court, upon consideration of the reasons for the application, may vary its direction to the probation officer as it considers appropriate in the circumstances. Variation
of
direction

(3) In addition to the duties of a probation officer referred to in subsection 1, a probation officer shall perform such other duties as are assigned to him by the Minister. *New.* Duties
assigned
by
Minister

44. Where a probationer is convicted of an offence constituting a breach of condition of a probation order and, Breach of
probation
order

- (a) the time within which he may appeal or apply for leave to appeal against that conviction has expired and he has not taken an appeal or applied for leave to appeal;
- (b) he has taken an appeal or applied for leave to appeal against the conviction and the appeal or application for leave has been dismissed or abandoned; or
- (c) he has given written notice to the court that convicted him that he elects not to appeal,

or where the probationer otherwise wilfully fails or refuses to comply with the order, he is guilty of an offence and upon conviction the court may,

- (d) impose a fine of not more than \$1,000 or imprisonment for a term of not more than thirty days, or both, and in lieu of or in addition to the penalty, continue the probation order with such changes or additions and for such extended term, not exceeding an additional year, as the court considers reasonable; or
- (e) where the judge presiding is the judge who made the original order, in lieu of imposing the penalty

under clause *d*, revoke the probation order and impose the sentence that was suspended upon the making of the probation order. *New.*

PART V

GENERAL PROVISIONS

Applica-
tion of
1971, c. 47

45. *The Statutory Powers Procedure Act, 1971* does not apply to proceedings for the discipline or transfer of inmates in correctional institutions, for the grievances of inmates, or for the authorization of temporary absences for inmates or to proceedings of the Board notwithstanding anything in that Act. 1971, c. 50, s. 27, *amended.*

Member of
Legislative
Assembly

46. Every member of the Legislative Assembly of Ontario is entitled to enter and inspect any correctional institution, community resource centre or other facility established or designated under this Act for any purpose related to the member's duties and responsibilities as a member of the Legislative Assembly unless the Minister determines that the institution, community resource centre or facility is insecure or an emergency condition exists therein. *New.*

Regula-
tions

47. The Lieutenant Governor in Council may make regulations,

- (a) respecting the operation, management, inspection and classification of correctional institutions;
- (b) respecting the operation, management and inspection of community resource centres;
- (c) designating correctional institutions as reformatories for the purpose of the *Prisons and Reformatories Act* (Canada);
- (d) respecting the treatment, training, employment, discipline, control, grievances and privileges of inmates;
- (e) requiring the maintenance of records and providing for their destruction;
- (f) respecting the retention and disposal of inmate property;
- (g) providing for the granting of compassionate allowances;

R.S.C. 1970.
c. P-21

- (h) providing for and establishing criteria for the granting of temporary absences or parole;
- (i) establishing rules of procedure for the Board;
- (j) providing for the appointment and remuneration of Board members;
- (k) respecting the duties and powers of directors, superintendents, probation officers, parole officers, correctional officers, volunteers and any other employee of the Ministry;
- (l) providing for the assessment of inmates;
- (m) providing for and prescribing fees and charges to recover costs incurred by the Ministry;
- (n) prescribing forms and providing for their use.
R.S.O. 1970, c. 110, s. 33, *amended*.

48.—(1) *The Ministry of Correctional Services Act*, being ^{Repeals} chapter 110 of the Revised Statutes of Ontario, 1970, section 27 of *The Civil Rights Statutes Law Amendment Act*, 1971, being chapter 50 and section 59 of *The Government Reorganization Act*, 1972, being chapter 1, are repealed.

(2) *The Probation Act*, being chapter 364 of the Revised ^{Idem} Statutes of Ontario, 1970 and section 60 of *The Government Reorganization Act*, 1972, being chapter 1, are repealed.

49.—(1) This Act, except Part IV and subsection 2 of ^{Commence-} section 48, comes into force on the day it receives Royal ^{ment} Assent.

(2) Part IV and subsection 2 of section 48 come into force ^{Idem} on the 1st day of July, 1978.

50. The short title of this Act is *The Ministry of Cor-* ^{Short title}
rectional Services Act, 1978.

An Act to revise
The Ministry of Correctional Services Act

1st Reading

May 11th, 1978

2nd Reading

May 30th, 1978

3rd Reading

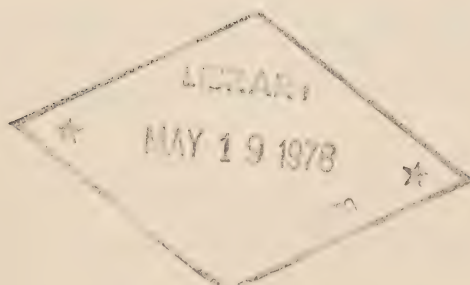
June 19th, 1978

THE HON. F. DREA
Minister of Correctional Services

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Coroners Act, 1972

THE HON. G. A. KERR
Solicitor General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1.—Subsection 1. Clause *b* of subsection 2 of section 3 of the Act now reads as follows:

(2) *A coroner ceases to hold office,*

(b) where he is a member of the College of Physicians and Surgeons of Ontario, upon the erasure of his name from the register under The Medical Act.

The clause is enlarged to provide that a coroner ceases to hold office upon the suspension of his licence for the practice of medicine.

Subsection 2. Subsection 3 of section 3 of the Act now reads as follows:

(3) *The appointment of a coroner who is a member of the College of Physicians and Surgeons is suspended during any period that his registration is suspended under The Medical Act.*

The repeal and re-enactment of the subsection is complementary to subsection 1. The subsection as re-enacted provides that the College of Physicians and Surgeons of Ontario shall forthwith notify the Chief Coroner where the licence of a coroner for the practice of medicine is revoked, suspended or cancelled.

SECTION 2. Section 8*a* of the Act now reads as follows:

8a. The police force having jurisdiction in a municipality shall make available to the coroner the assistance of such police officers as are necessary for the purpose of carrying out his duties.

The new subsection authorizes the Chief Coroner to request assistance from the Ontario Provincial Police Force.

SECTION 3.—Subsection 1. Clause *j* of subsection 2 of section 9 of the Act now reads as follows:

(2) *Where a person dies while resident or an in-patient in,*

(j) a public or private hospital to which the person was transferred from a hospital, institution or home referred to in clauses a to i,

The word "hospital" is replaced with the word "facility" in the second line to bring the clause into line with the other clauses.

An Act to amend The Coroners Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *b* of subsection 2 of section 3 of *The Coroners Act, 1972*, being chapter 98, is repealed and the following substituted therefor: s. 3 (2) (b),
re-enacted

(b) upon the revocation, suspension or cancellation of his licence for the practice of medicine issued under *The Health Disciplines Act, 1974*. 1974, c. 47

- (2) Subsection 3 of the said section 3 is repealed and the following substituted therefor: s. 3 (3),
re-enacted

(3) The College of Physicians and Surgeons of Ontario shall forthwith notify the Chief Coroner where the licence of a coroner for the practice of medicine is revoked, suspended or cancelled. Chief
Coroner
to be
notified

2. Section 8*a* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 103, section 3, is amended by adding thereto the following subsection: s. 8*a*,
amended

(2) The Chief Coroner in any case he considers appropriate may request that the criminal investigation branch of the Ontario Provincial Police Force provide assistance to a coroner in an investigation or inquest. Idem

- 3.—(1) Clause *j* of subsection 2 of section 9 of the said Act is repealed and the following substituted therefor: s. 9 (2) (j),
re-enacted

(j) a public or private hospital to which the person was transferred from a facility, institution or home referred to in clauses *a* to *i*,

s. 9 (2),
amended

- (2) Subsection 2 of the said section 9 is amended by inserting after "hospital" in the twenty-second line "facility".

s. 9,
amended

- (3) The said section 9 is amended by adding thereto the following subsection:

Notice of
death
resulting
from
accident at
or in mine

- (4a) Where a worker dies as a result of an accident occurring in the course of his employment at or in a mine, but not including a pit or quarry, the manager or other person in charge of the mine shall immediately give notice of the death to a coroner and the coroner shall issue his warrant to hold an inquest upon the body.

s. 12 (1),
re-enacted

4. Subsection 1 of section 12 of the said Act is repealed and the following substituted therefor:

Shipment
of bodies
outside
Ontario

- (1) Subject to section 12a, no person shall accept for shipment or ship or take a dead body from any place in Ontario to any place outside Ontario unless a certificate of a coroner has been obtained certifying that there exists no reason for further examination of the body.

s. 12a,
enacted

5. The said Act is amended by adding thereto the following section:

Transporta-
tion of a
body out of
Ontario
1976, c. 83

- 12a. A coroner may in writing authorize the transportation of a body out of Ontario for *post mortem* examination and, in such case, section 37 of *The Funeral Services Act, 1976* does not apply.

s. 15,
re-enacted

6. Section 15 of the said Act is repealed and the following substituted therefor:

Transfer
of investi-
gation

- 15.—(1) A coroner may at any time transfer an investigation to another coroner where in his opinion the investigation may be continued or conducted more conveniently by that other coroner or for any other good and sufficient reason.

Investi-
gation and
inquest

- (2) The coroner to whom an investigation is transferred shall proceed with the investigation in the same manner as if he had issued the warrant to take possession of the body.

Notifica-
tion of Chief
Coroner

- (3) The coroner who transfers an investigation to another coroner shall notify the Chief Coroner of the transfer, and the Chief Coroner shall assist in the transfer upon request.

Trans-
mitting
results of
first investi-
gation

- (4) The coroner who transfers an investigation to another coroner shall transmit to him the report of the *post mortem* examination of the body, if any, and his signed statement

Subsection 2. The amendment is complementary to subsection 1.

Subsection 3. The new subsection requires that an inquest be held where a worker dies as a result of an accident at or in a mine.

SECTION 4. Subsection 1 of section 12 of the Act now reads as follows:

- (1) No person shall accept for shipment or ship or take a dead body from any place in Ontario to any place outside Ontario unless a certificate of a coroner has been obtained certifying that there exists no reason for further examination of the body.*

The re-enactment of the subsection is complementary to section 5 of the Bill.

SECTION 5. The new section 12a empowers a coroner to authorize the transportation of a body out of Ontario for *post mortem* examination.

SECTION 6. Section 15 of the Act now reads as follows:

- 15.—(1) *Where a coroner has issued his warrant to take possession of a body and it appears that the death resulted from any of the circumstances mentioned in section 9 and that such circumstances occurred at a place beyond his jurisdiction, he shall take possession of the body and shall view the body and make such further investigation as is required to enable him to determine whether or not a post mortem examination is required, and shall transfer the investigation to a coroner having jurisdiction in the place where the circumstances occurred.*
- (2) *The coroner to whom the investigation is transferred shall proceed with the investigation in the same manner as if he had issued the warrant to take possession of the body.*
- (3) *The coroner who refers an investigation to a coroner in another jurisdiction shall notify the Chief Coroner of the transfer, and the Chief Coroner shall assist in the transfer upon request.*
- (4) *The coroner who refers an investigation to a coroner in another jurisdiction shall transmit to him the report of the post mortem examination of the body, his signed statement setting forth briefly the result of his investigation and any evidence to prove the fact of death and the identity of the body, and the report, signed statement and written evidence are admissible in evidence at any inquest that may be held.*

Section 15 is updated to take into account the fact that a coroner now has jurisdiction in the whole of Ontario.

SECTION 7. The new section 17a sets out what a coroner shall consider in determining whether an inquest should be held.

SECTION 8. Section 19 of the Act now reads as follows:

19. Where the Minister has reason to believe that a death has occurred in Ontario in circumstances that warrant the holding of an inquest, he may direct any coroner to hold an inquest and the coroner shall hold the inquest into the death in accordance with this Act, whether or not his commission extends to the place where the death occurred or where the body is located and whether or not he or any other coroner has viewed the body, made an investigation, held an inquest, determined an inquest was unnecessary or done any other act in connection with the death.

Section 19 is updated to take into account the fact that a coroner now has jurisdiction in the whole of Ontario.

SECTION 9. The Minister is empowered to direct that a body be disinterred for the purposes of an investigation or inquest.

SECTION 10. Subsection 1 of section 21 of the Act now reads as follows:

(1) The Chief Coroner may direct the coroner having jurisdiction in respect of any death to issue a warrant to take possession of the body, conduct an investigation or hold an inquest, or may direct any other coroner to do so or may intervene to act as coroner personally for any one or more of such purposes.

The subsection is updated to take into account the fact that a coroner now has jurisdiction in the whole of Ontario.

setting forth briefly the result of his investigation and any evidence to prove the fact of death and the identity of the body.

7. The said Act is further amended by adding thereto the following section: s. 17a.
enacted

17a. When making a determination whether an inquest is necessary or unnecessary, the coroner shall have regard to whether the holding of an inquest would serve the public interest and, without restricting the generality of the foregoing, shall consider, What
coroner
shall
consider
and have
regard to

- (a) whether the matters described in clauses *a* to *e* of subsection 1 of section 25 are known;
- (b) the desirability of the public being fully informed of the circumstances of the death through an inquest; and
- (c) the likelihood that the jury on an inquest might make useful recommendations directed to the avoidance of death in similar circumstances.

8. Section 19 of the said Act is repealed and the following substituted therefor: s. 19.
re-enacted

19. Where the Minister has reason to believe that a death has occurred in Ontario in circumstances that warrant the holding of an inquest, he may direct any coroner to hold an inquest and the coroner shall hold the inquest into the death in accordance with this Act, whether or not he or any other coroner has viewed the body, made an investigation, held an inquest, determined an inquest was unnecessary or done any other act in connection with the death. Minister
may direct
coroner to
hold inquest

9. The said Act is further amended by adding thereto the following section: s. 20a.
enacted

20a. Notwithstanding anything in *The Cemeteries Act*, the Minister may, at any time where he considers it necessary for the purposes of an investigation or an inquest, direct that a body be disinterred under and subject to such conditions as the Minister considers proper. Minister
may direct
that body
be dis-
interred
R.S.O. 1970,
c. 57

10. Subsection 1 of section 21 of the said Act is repealed and the following substituted therefor: s. 21 (1).
re-enacted

(1) The Chief Coroner may direct any coroner in respect of any death to issue a warrant to take possession of the Direction
by Chief
Coroner

body, conduct an investigation or hold an inquest, or may direct any other coroner to do so or may intervene to act as coroner personally for any one or more of such purposes.

s. 22,
re-enacted

- 11.** Section 22 of the said Act is repealed and the following substituted therefor:

Where
criminal
offence
charged
R.S.C. 1970,
c. C-34

22.—(1) Where a person is charged with an offence under the *Criminal Code* (Canada) arising out of a death, an inquest touching the death shall be held only upon the direction of the Minister and, when held, the person charged is not a compellable witness.

Idem

(2) Where during an inquest a person is charged with an offence under the *Criminal Code* (Canada) arising out of the death, the coroner shall discharge the jury and close the inquest, and shall then proceed as if he had determined that an inquest was unnecessary, but the Minister may direct that the inquest be reopened.

s. 23 (2),
re-enacted

- 12.** Subsection 2 of section 23 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 103, section 10, is repealed and the following substituted therefor:

Report

(2) The person who performs the *post mortem* examination shall forthwith report his findings in writing only to the coroner who issued the warrant, the Crown attorney, the regional coroner and the Chief Coroner and the person who performs any other examination or analysis shall forthwith report his findings in writing only to the coroner who issued the warrant, the person who performed the *post mortem* examination, the Crown attorney, the regional coroner and the Chief Coroner.

s. 24 (1),
re-enacted

- 13.** Subsection 1 of section 24 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 103, section 11, is repealed and the following substituted therefor:

Notice to
Crown
attorney

(1) Every coroner before holding an inquest shall notify the Crown attorney of the time and place at which it is to be held and the Crown attorney or a barrister and solicitor designated by him shall attend the inquest and shall act as counsel to the coroner at the inquest.

s. 25 (1),
amended

- 14.—**(1) Subsection 1 of section 25 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor:

Purposes
of inquest

(1) Where an inquest is held, it shall inquire into the circumstances of the death and determine,

SECTION 11. Section 22 of the Act now reads as follows:

- 22.—(1) *Where a person is charged with a criminal offence arising out of a death, an inquest touching the death shall be held only upon the direction of the Minister and, when held, the person charged is not a compellable witness.*
- (2) *Where during an inquest a person is charged with a criminal offence arising out of the death, the coroner shall discharge the jury and close the inquest, and shall then proceed as if he had determined that an inquest was unnecessary, but the Minister may direct that the inquest be reopened.*

The section is re-enacted to clarify the intent that a “criminal offence” means an offence under the *Criminal Code* (Canada).

SECTION 12. Subsection 2 of section 23 of the Act now reads as follows:

- (2) *The person who performs the post mortem examination shall forthwith report his finding in writing only to the coroner who issued the warrant, to the Crown attorney and to the Chief Coroner and the person who performs any other examination or analysis shall forthwith report his findings in writing only to the coroner who issued the warrant, the person who performed the post mortem, the Crown attorney and the Chief Coroner.*

The subsection is enlarged to provide that a report of the findings on a *post mortem* examination or on any other examination or analysis shall be made to the regional coroner.

SECTION 13. Subsection 1 of section 24 of the Act now reads as follows:

- (1) *Every coroner before holding an inquest shall notify the Crown attorney of the time and place at which it is to be held and the Crown attorney or his representative shall attend the inquest and shall act as counsel to the coroner at the inquest.*

The re-enactment provides that counsel to the coroner at an inquest shall be the Crown attorney or a barrister and solicitor designated by him.

SECTION 14.—Subsection 1. Subsection 1 of section 25 of the Act, exclusive of the clauses, now reads as follows:

- (1) *Where an inquest is held, it shall inquire into and determine,*

The re-enactment is intended to clarify the scope of an inquest.

Subsection 2. Subsection 3 of section 25 of the Act now reads as follows:

- (3) *Subject to subsection 2, the jury may make recommendations in respect of any matter arising out of the inquest.*

The re-enactment is intended to clarify the recommendations that a jury may make on an inquest.

SECTION 15. Section 27 of the Act now reads as follows:

27.—(1) *Except as provided in subsection 3, every inquest shall be held with a jury.*

- (2) *The number of jurors to be summoned to serve on an inquest shall be five and, where fewer than five of the jurors so summoned appear at the time and place appointed for the inquest, the coroner may direct a constable to name and appoint so many persons then present or who can be found as will make up a jury of five.*

- (3) *With the consent of the Chief Coroner, an inquest in a provisional judicial district may be held without a jury.*

The section is re-enacted to update and clarify the procedures to be followed in selecting and summoning a jury.

SECTION 16. The new section 44a protects a coroner or any person acting under his authority from liability for acts done in good faith in the execution or intended execution of his powers and duties.

(2) Subsection 3 of the said section 25 is repealed and the following substituted therefor: s. 25 (3),
re-enacted

(3) Subject to subsection 2, the jury may make recommendations directed to the avoidance of death in similar circumstances or respecting any other matter arising out of the inquest. Authority
of jury
to make
recom-
mendations

15. Section 27 of the said Act is repealed and the following substituted therefor: s. 27,
re-enacted

27.—(1) Except as provided in subsection 4, every inquest shall be held with a jury composed of five persons. Juries

(2) The coroner shall direct a constable to select from the list of names of persons provided under subsection 2 of section 28 five persons who in his opinion are suitable to serve as jurors at an inquest and the constable shall summon them to attend the inquest at the time and place appointed. Jurors

(3) Where fewer than five of the jurors so summoned attend at the inquest, the coroner may name and appoint so many persons then present or who can be found as will make up a jury of five. Idem

(4) With the consent of the Chief Coroner, an inquest in a provisional judicial district may be held without a jury. Inquest
without
jury in
provisional
judicial
district

16. The said Act is further amended by adding thereto the following section: s. 44a,
enacted

44a. No action or other proceeding for damages lies or shall be instituted against a coroner or any person acting under his authority for an act done by him in good faith in the performance or intended performance of any power or duty under this Act or the regulations, or for any neglect or default in the performance in good faith of any such power or duty. Protection
from
liability

17. This Act comes into force on the day it receives Royal Assent. Commence-
ment

18. The short title of this Act is *The Coroners Amendment Act*, 1978. Short title

An Act to amend
The Coroners Act, 1972

1st Reading

May 11th, 1978

2nd Reading

3rd Reading

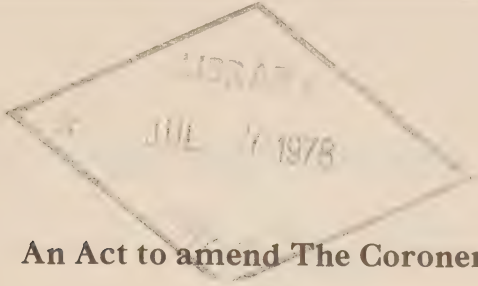
THE HON. G. A. KERR
Solicitor General

(Government Bill)

BILL 86

Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend The Coroners Act, 1972**

THE HON. G. A. KERR
Solicitor General

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Two definitions are added to section 1 of the Act.

SECTION 2.—Subsection 1. Clause *b* of subsection 2 of section 3 of the Act now reads as follows:

(2) *A coroner ceases to hold office,*

(b) where he is a member of the College of Physicians and Surgeons of Ontario, upon the erasure of his name from the register under The Medical Act.

The clause is enlarged to provide that a coroner ceases to hold office upon the suspension of his licence for the practice of medicine.

Subsection 2. Subsection 3 of section 3 of the Act now reads as follows:

(3) *The appointment of a coroner who is a member of the College of Physicians and Surgeons is suspended during any period that his registration is suspended under The Medical Act.*

The repeal and re-enactment of the subsection is complementary to subsection 1. The subsection as re-enacted provides that the College of Physicians and Surgeons of Ontario shall forthwith notify the Chief Coroner where the licence of a coroner for the practice of medicine is revoked, suspended or cancelled.

SECTION 3. Section 8a of the Act now reads as follows:

8a. *The police force having jurisdiction in a municipality shall make available to the coroner the assistance of such police officers as are necessary for the purpose of carrying out his duties.*

The new subsection authorizes the Chief Coroner to request assistance from the Ontario Provincial Police Force.

An Act to amend The Coroners Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Coroners Act, 1972*, being chapter 98, is ^{s. 1, amended} amended by adding thereto the following clauses:
 - (aa) "mine" means a mine as defined in Part IX of *The Mining Act*; ^{R.S.O. 1970, c. 274}
 - (ab) "mining plant" means a plant as defined in Part IX of *The Mining Act*.
- 2.—(1) Clause *b* of subsection 2 of section 3 of the said Act is ^{s. 3 (2) (b), re-enacted} repealed and the following substituted therefor:
 - (b) upon the revocation, suspension or cancellation of his licence for the practice of medicine issued under *The Health Disciplines Act, 1974*. ^{1974, c. 47}
- (2) Subsection 3 of the said section 3 is repealed and the ^{s. 3 (3), re-enacted} following substituted therefor:
 - (3) The College of Physicians and Surgeons of Ontario shall forthwith notify the Chief Coroner where the licence of a coroner for the practice of medicine is revoked, suspended or cancelled. ^{Chief Coroner to be notified}
3. Section 8a of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 103, section 3, is amended by adding thereto the following subsection: ^{s. 8a, amended}
 - (2) The Chief Coroner in any case he considers appropriate may request that the criminal investigation branch of the Ontario Provincial Police Force provide assistance to a coroner in an investigation or inquest. ^{Idem}

s. 9 (2) (j),
re-enacted

- 4.—(1) Clause *j* of subsection 2 of section 9 of the said Act is repealed and the following substituted therefor:

(j) a public or private hospital to which the person was transferred from a facility, institution or home referred to in clauses *a* to *i*,

s. 9 (2),
amended

- (2) Subsection 2 of the said section 9 is amended by inserting after "hospital" in the twenty-second line "facility".

s. 9,
amended

- (3) The said section 9 is amended by adding thereto the following subsection:

Notice of
death result-
ing from
accident
at or in
construc-
tion project,
mining
plant or
mine



(4a) Where a worker dies as a result of an accident occurring in the course of his employment at or in a construction project, mining plant or mine, including a pit or quarry, the person in charge of such project, mining plant or mine shall immediately give notice of the death to a coroner and the coroner shall issue his warrant to hold an inquest upon the body.



s. 12 (1),
re-enacted

5. Subsection 1 of section 12 of the said Act is repealed and the following substituted therefor:

Shipment
of bodies
outside
Ontario

(1) Subject to section 12a, no person shall accept for shipment or ship or take a dead body from any place in Ontario to any place outside Ontario unless a certificate of a coroner has been obtained certifying that there exists no reason for further examination of the body.

s. 12a,
enacted

6. The said Act is amended by adding thereto the following section:

Transporta-
tion of a
body out of
Ontario
1976, c. 83

12a. A coroner may in writing authorize the transportation of a body out of Ontario for *post mortem* examination and, in such case, section 37 of *The Funeral Services Act, 1976* does not apply.

s. 15,
re-enacted

7. Section 15 of the said Act is repealed and the following substituted therefor:

Transfer
of investi-
gation

15.—(1) A coroner may at any time transfer an investigation to another coroner where in his opinion the investigation may be continued or conducted more conveniently by that other coroner or for any other good and sufficient reason.

SECTION 4.—Subsection 1. Clause *j* of subsection 2 of section 9 of the Act now reads as follows:

(2) *Where a person dies while resident or an in-patient in,*

.

(j) a public or private hospital to which the person was transferred from a hospital, institution or home referred to in clauses a to i,

.

The word “hospital” is replaced with the word “facility” in the second line to bring the clause into line with the other clauses.

Subsection 2. The amendment is complementary to subsection 1.

Subsection 3. The new subsection requires that an inquest be held where a worker dies as a result of an accident at or in a construction project, mining plant or mine.

SECTION 5. Subsection 1 of section 12 of the Act now reads as follows:

(1) No person shall accept for shipment or ship or take a dead body from any place in Ontario to any place outside Ontario unless a certificate of a coroner has been obtained certifying that there exists no reason for further examination of the body.

The re-enactment of the subsection is complementary to section 5 of the Bill.

SECTION 6. The new section 12a empowers a coroner to authorize the transportation of a body out of Ontario for *post mortem* examination.

SECTION 7. Section 15 of the Act now reads as follows:

15.—(1) *Where a coroner has issued his warrant to take possession of a body and it appears that the death resulted from any of the circumstances mentioned in section 9 and that such circumstances occurred at a place beyond his jurisdiction, he shall take possession of the body and shall view the body and make such further investigation as is required to enable him to determine whether or not a post mortem examination is required, and shall transfer the investigation to a coroner having jurisdiction in the place where the circumstances occurred.*

(2) *The coroner to whom the investigation is transferred shall proceed with the investigation in the same manner as if he had issued the warrant to take possession of the body.*

- (3) *The coroner who refers an investigation to a coroner in another jurisdiction shall notify the Chief Coroner of the transfer, and the Chief Coroner shall assist in the transfer upon request.*
- (4) *The coroner who refers an investigation to a coroner in another jurisdiction shall transmit to him the report of the post mortem examination of the body, his signed statement setting forth briefly the result of his investigation and any evidence to prove the fact of death and the identity of the body, and the report, signed statement and written evidence are admissible in evidence at any inquest that may be held.*

Section 15 is updated to take into account the fact that a coroner now has jurisdiction in the whole of Ontario.

SECTION 8. The new section 17a sets out what a coroner shall consider in determining whether an inquest should be held.

SECTION 9. Section 19 of the Act now reads as follows:

19. *Where the Minister has reason to believe that a death has occurred in Ontario in circumstances that warrant the holding of an inquest, he may direct any coroner to hold an inquest and the coroner shall hold the inquest into the death in accordance with this Act, whether or not his commission extends to the place where the death occurred or where the body is located and whether or not he or any other coroner has viewed the body, made an investigation, held an inquest, determined an inquest was unnecessary or done any other act in connection with the death.*

Section 19 is updated to take into account the fact that a coroner now has jurisdiction in the whole of Ontario.

SECTION 10. The Minister is empowered to direct that a body be disinterred for the purposes of an investigation or inquest.

(2) The coroner to whom an investigation is transferred shall proceed with the investigation in the same manner as if he had issued the warrant to take possession of the body. Investigation and inquest

(3) The coroner who transfers an investigation to another coroner shall notify the Chief Coroner of the transfer, and the Chief Coroner shall assist in the transfer upon request. Notification of Chief Coroner

(4) The coroner who transfers an investigation to another coroner shall transmit to him the report of the *post mortem* examination of the body, if any, and his signed statement setting forth briefly the result of his investigation and any evidence to prove the fact of death and the identity of the body. Transmitting results of first investigation

8. The said Act is further amended by adding thereto the following section: s. 17a, enacted

17a. When making a determination whether an inquest is necessary or unnecessary, the coroner shall have regard to whether the holding of an inquest would serve the public interest and, without restricting the generality of the foregoing, shall consider, What coroner shall consider and have regard to

- (a) whether the matters described in clauses *a* to *e* of subsection 1 of section 25 are known;
- (b) the desirability of the public being fully informed of the circumstances of the death through an inquest; and
- (c) the likelihood that the jury on an inquest might make useful recommendations directed to the avoidance of death in similar circumstances.

9. Section 19 of the said Act is repealed and the following substituted therefor: s. 19, re-enacted

19. Where the Minister has reason to believe that a death has occurred in Ontario in circumstances that warrant the holding of an inquest, he may direct any coroner to hold an inquest and the coroner shall hold the inquest into the death in accordance with this Act, whether or not he or any other coroner has viewed the body, made an investigation, held an inquest, determined an inquest was unnecessary or done any other act in connection with the death. Minister may direct coroner to hold inquest

10. The said Act is further amended by adding thereto the following section: s. 20a, enacted

Minister
may direct
that body
be dis-
interred
R.S.O. 1970,
c. 57

20a. Notwithstanding anything in *The Cemeteries Act*, the Minister may, at any time where he considers it necessary for the purposes of an investigation or an inquest, direct that a body be disinterred under and subject to such conditions as the Minister considers proper.

s. 21 (1),
re-enacted

11. Subsection 1 of section 21 of the said Act is repealed and the following substituted therefor:

Direction
by Chief
Coroner

(1) The Chief Coroner may direct any coroner in respect of any death to issue a warrant to take possession of the body, conduct an investigation or hold an inquest, or may direct any other coroner to do so or may intervene to act as coroner personally for any one or more of such purposes.

s. 22,
re-enacted

12. Section 22 of the said Act is repealed and the following substituted therefor:

Where
criminal
offence
charged
R.S.C. 1970,
c. C-34

22.—(1) Where a person is charged with an offence under the *Criminal Code* (Canada) arising out of a death, an inquest touching the death shall be held only upon the direction of the Minister and, when held, the person charged is not a compellable witness.

Idem

(2) Where during an inquest a person is charged with an offence under the *Criminal Code* (Canada) arising out of the death, the coroner shall discharge the jury and close the inquest, and shall then proceed as if he had determined that an inquest was unnecessary, but the Minister may direct that the inquest be reopened.

Where
charge or
appeal
finally
disposed of
R.S.C. 1970,
c. C-34

(3) Notwithstanding subsections 1 and 2, where a person is charged with an offence under the *Criminal Code* (Canada) arising out of the death and the charge or any appeal from a conviction or an acquittal of the offence charged has been finally disposed of or the time for taking an appeal has expired, the coroner may issue his warrant for an inquest and the person charged is a compellable witness at the inquest.

s. 23 (2),
re-enacted

13. Subsection 2 of section 23 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 103, section 10, is repealed and the following substituted therefor:

Report

(2) The person who performs the *post mortem* examination shall forthwith report his findings in writing only to the coroner who issued the warrant, the Crown attorney, the regional coroner and the Chief Coroner and the person who performs any other examination or analysis shall forthwith report his findings in writing only to the coroner who issued the warrant, the person who performed the *post mortem*

SECTION 11. Subsection 1 of section 21 of the Act now reads as follows:

- (1) The Chief Coroner may direct the coroner having jurisdiction in respect of any death to issue a warrant to take possession of the body, conduct an investigation or hold an inquest, or may direct any other coroner to do so or may intervene to act as coroner personally for any one or more of such purposes.*

The subsection is updated to take into account the fact that a coroner now has jurisdiction in the whole of Ontario.

SECTION 12. Section 22 of the Act now reads as follows:

- 22.—*(1) Where a person is charged with a criminal offence arising out of a death, an inquest touching the death shall be held only upon the direction of the Minister and, when held, the person charged is not a compellable witness.*
- (2) Where during an inquest a person is charged with a criminal offence arising out of the death, the coroner shall discharge the jury and close the inquest, and shall then proceed as if he had determined that an inquest was unnecessary, but the Minister may direct that the inquest be reopened.*

The section is re-enacted to clarify the intent that a “criminal offence” means an offence under the *Criminal Code* (Canada) and to provide that an inquest may be held when criminal charges are finally disposed of.

SECTION 13. Subsection 2 of section 23 of the Act now reads as follows:

- (2) The person who performs the post mortem examination shall forthwith report his finding in writing only to the coroner who issued the warrant, to the Crown attorney and to the Chief Coroner and the person who performs any other examination or analysis shall forthwith report his findings in writing only to the coroner who issued the warrant, the person who performed the post mortem, the Crown attorney and the Chief Coroner.*

The subsection is enlarged to provide that a report of the findings on a *post mortem* examination or on any other examination or analysis shall be made to the regional coroner.

SECTION 14. Subsection 1 of section 24 of the Act now reads as follows:

- (1) Every coroner before holding an inquest shall notify the Crown attorney of the time and place at which it is to be held and the Crown attorney or his representative shall attend the inquest and shall act as counsel to the coroner at the inquest.*

The re-enactment provides that counsel to the coroner at an inquest shall be the Crown attorney or a barrister and solicitor or any other person designated by the Crown attorney.

SECTION 15.—Subsection 1. Subsection 1 of section 25 of the Act, exclusive of the clauses, now reads as follows:

- (1) Where an inquest is held, it shall inquire into and determine,*

The re-enactment is intended to clarify the scope of an inquest.

Subsection 2. Subsection 3 of section 25 of the Act now reads as follows:

- (3) Subject to subsection 2, the jury may make recommendations in respect of any matter arising out of the inquest.*

The re-enactment is intended to clarify the recommendations that a jury may make on an inquest.

SECTION 16. Section 27 of the Act now reads as follows:

27.—(1) Except as provided in subsection 3, every inquest shall be held with a jury.

- (2) The number of jurors to be summoned to serve on an inquest shall be five and, where fewer than five of the jurors so summoned appear at the time and place appointed for the inquest, the coroner may direct a constable to name and appoint so many persons then present or who can be found as will make up a jury of five.*

- (3) With the consent of the Chief Coroner, an inquest in a provisional judicial district may be held without a jury.*

The section is re-enacted to update and clarify the procedures to be followed in selecting and summoning a jury.

examination, the Crown attorney, the regional coroner and the Chief Coroner.

14. Subsection 1 of section 24 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 103, section 11, is repealed and the following substituted therefor: s. 24 (1),
re-enacted

(1) Every coroner before holding an inquest shall notify the Crown attorney of the time and place at which it is to be held and the Crown attorney or a barrister and solicitor or any other person designated by him shall attend the inquest and shall act as counsel to the coroner at the inquest. Notice to
Crown
attorney

- 15.—(1) Subsection 1 of section 25 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor: s. 25 (1),
amended

(1) Where an inquest is held, it shall inquire into the circumstances of the death and determine, Purposes
of inquest

.

- (2) Subsection 3 of the said section 25 is repealed and the following substituted therefor: s. 25 (3),
re-enacted

(3) Subject to subsection 2, the jury may make recommendations directed to the avoidance of death in similar circumstances or respecting any other matter arising out of the inquest. Authority
of jury
to make
recom-
mendations

16. Section 27 of the said Act is repealed and the following substituted therefor: s. 27,
re-enacted

27.—(1) Except as provided in subsection 4, every inquest shall be held with a jury composed of five persons. Juries

(2) The coroner shall direct a constable to select from the list of names of persons provided under subsection 2 of section 28 five persons who in his opinion are suitable to serve as jurors at an inquest and the constable shall summon them to attend the inquest at the time and place appointed. Jurors

(3) Where fewer than five of the jurors so summoned attend at the inquest, the coroner may name and appoint so many persons then present or who can be found as will make up a jury of five. Idem

(4) With the consent of the Chief Coroner, an inquest in a provisional judicial district may be held without a jury. Inquest
without
jury in
provisional
judicial
district

s. 44a,
enacted

- 17.** The said Act is further amended by adding thereto the following section:

Protection
from
liability

44a. No action or other proceeding for damages lies or shall be instituted against a coroner or any person acting under his authority for an act done by him in good faith in the performance or intended performance of any power or duty under this Act or the regulations, or for any neglect or default in the performance in good faith of any such power or duty.

Commence-
ment

- 18.** This Act comes into force on the day it receives Royal Assent.

Short title

- 19.** The short title of this Act is *The Coroners Amendment Act, 1978*.

SECTION 17. The new section 44a protects a coroner or any person acting under his authority from liability for acts done in good faith in the execution or intended execution of his powers and duties.

An Act to amend
The Coroners Act, 1972

1st Reading

May 11th, 1978

2nd Reading

May 23rd, 1978

3rd Reading

THE HON. G. A. KERR
Solicitor General

(Reprinted as amended by the
Committee of the Whole House)

56 311 **BILL 86**

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Coroners Act, 1972

THE HON. G. A. KERR
Solicitor General



BILL 86

1978

An Act to amend The Coroners Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Coroners Act, 1972*, being chapter 98, is s.1,
amended amended by adding thereto the following clauses:

(aa) "mine" means a mine as defined in Part IX of *The Mining Act*; R.S.O. 1970,
c. 274

(ab) "mining plant" means a plant as defined in Part IX of *The Mining Act*.

- 2.—(1) Clause *b* of subsection 2 of section 3 of the said Act is s. 3 (2) (b),
re-enacted repealed and the following substituted therefor:

(b) upon the revocation, suspension or cancellation of his licence for the practice of medicine issued under *The Health Disciplines Act, 1974*. 1974, c. 47

- (2) Subsection 3 of the said section 3 is repealed and the following substituted therefor: s. 3 (3),
re-enacted

(3) The College of Physicians and Surgeons of Ontario shall forthwith notify the Chief Coroner where the licence of a coroner for the practice of medicine is revoked, suspended or cancelled. Chief
Coroner
to be
notified

3. Section 8a of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 103, section 3, is amended by adding thereto the following subsection: s. 8a,
amended

(2) The Chief Coroner in any case he considers appropriate may request that the criminal investigation branch of the Ontario Provincial Police Force provide assistance to a coroner in an investigation or inquest. Idem

s. 9 (2) (j),
re-enacted

- 4.—(1) Clause *j* of subsection 2 of section 9 of the said Act is repealed and the following substituted therefor:

(j) a public or private hospital to which the person was transferred from a facility, institution or home referred to in clauses *a* to *i*,

s. 9 (2),
amended

- (2) Subsection 2 of the said section 9 is amended by inserting after "hospital" in the twenty-second line "facility".

s. 9,
amended

- (3) The said section 9 is amended by adding thereto the following subsection:

Notice of
death result-
ing from
accident
at or in
construc-
tion project,
mining
plant or
mine

(4a) Where a worker dies as a result of an accident occurring in the course of his employment at or in a construction project, mining plant or mine, including a pit or quarry, the person in charge of such project, mining plant or mine shall immediately give notice of the death to a coroner and the coroner shall issue his warrant to hold an inquest upon the body.

s. 12 (1),
re-enacted

5. Subsection 1 of section 12 of the said Act is repealed and the following substituted therefor:

Shipment
of bodies
outside
Ontario

(1) Subject to section 12a, no person shall accept for shipment or ship or take a dead body from any place in Ontario to any place outside Ontario unless a certificate of a coroner has been obtained certifying that there exists no reason for further examination of the body.

s. 12a,
enacted

6. The said Act is amended by adding thereto the following section:

Transporta-
tion of a
body out of
Ontario
1976, c. 83

12a. A coroner may in writing authorize the transportation of a body out of Ontario for *post mortem* examination and, in such case, section 37 of *The Funeral Services Act, 1976* does not apply.

s. 15,
re-enacted

7. Section 15 of the said Act is repealed and the following substituted therefor:

Transfer
of investi-
gation

15.—(1) A coroner may at any time transfer an investigation to another coroner where in his opinion the investigation may be continued or conducted more conveniently by that other coroner or for any other good and sufficient reason.

(2) The coroner to whom an investigation is transferred shall proceed with the investigation in the same manner as if he had issued the warrant to take possession of the body. Investigation and inquest

(3) The coroner who transfers an investigation to another coroner shall notify the Chief Coroner of the transfer, and the Chief Coroner shall assist in the transfer upon request. Notification of Chief Coroner

(4) The coroner who transfers an investigation to another coroner shall transmit to him the report of the *post mortem* examination of the body, if any, and his signed statement setting forth briefly the result of his investigation and any evidence to prove the fact of death and the identity of the body. Transmitting results of first investigation

8. The said Act is further amended by adding thereto the following section: s. 17a, enacted

17a. When making a determination whether an inquest is necessary or unnecessary, the coroner shall have regard to whether the holding of an inquest would serve the public interest and, without restricting the generality of the foregoing, shall consider, What coroner shall consider and have regard to

- (a) whether the matters described in clauses *a* to *e* of subsection 1 of section 25 are known;
- (b) the desirability of the public being fully informed of the circumstances of the death through an inquest; and
- (c) the likelihood that the jury on an inquest might make useful recommendations directed to the avoidance of death in similar circumstances.

9. Section 19 of the said Act is repealed and the following substituted therefor: s. 19, re-enacted

19. Where the Minister has reason to believe that a death has occurred in Ontario in circumstances that warrant the holding of an inquest, he may direct any coroner to hold an inquest and the coroner shall hold the inquest into the death in accordance with this Act, whether or not he or any other coroner has viewed the body, made an investigation, held an inquest, determined an inquest was unnecessary or done any other act in connection with the death. Minister may direct coroner to hold inquest

10. The said Act is further amended by adding thereto the following section: s. 20a, enacted

Minister
may direct
that body
be dis-
interred
R.S.O. 1970,
c. 57

20a. Notwithstanding anything in *The Cemeteries Act*, the Minister may, at any time where he considers it necessary for the purposes of an investigation or an inquest, direct that a body be disinterred under and subject to such conditions as the Minister considers proper.

s. 21 (1),
re-enacted

11. Subsection 1 of section 21 of the said Act is repealed and the following substituted therefor:

Direction
by Chief
Coroner

(1) The Chief Coroner may direct any coroner in respect of any death to issue a warrant to take possession of the body, conduct an investigation or hold an inquest, or may direct any other coroner to do so or may intervene to act as coroner personally for any one or more of such purposes.

s. 22,
re-enacted

12. Section 22 of the said Act is repealed and the following substituted therefor:

Where
criminal
offence
charged
R.S.C. 1970,
c. C-34

22.—(1) Where a person is charged with an offence under the *Criminal Code* (Canada) arising out of a death, an inquest touching the death shall be held only upon the direction of the Minister and, when held, the person charged is not a compellable witness.

Idem

(2) Where during an inquest a person is charged with an offence under the *Criminal Code* (Canada) arising out of the death, the coroner shall discharge the jury and close the inquest, and shall then proceed as if he had determined that an inquest was unnecessary, but the Minister may direct that the inquest be reopened.

Where
charge or
appeal
finally
disposed of
R.S.C. 1970,
c. C-34

(3) Notwithstanding subsections 1 and 2, where a person is charged with an offence under the *Criminal Code* (Canada) arising out of the death and the charge or any appeal from a conviction or an acquittal of the offence charged has been finally disposed of or the time for taking an appeal has expired, the coroner may issue his warrant for an inquest and the person charged is a compellable witness at the inquest.

s. 23 (2),
re-enacted

13. Subsection 2 of section 23 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 103, section 10, is repealed and the following substituted therefor:

Report

(2) The person who performs the *post mortem* examination shall forthwith report his findings in writing only to the coroner who issued the warrant, the Crown attorney, the regional coroner and the Chief Coroner and the person who performs any other examination or analysis shall forthwith report his findings in writing only to the coroner who issued the warrant, the person who performed the *post mortem*

examination, the Crown attorney, the regional coroner and the Chief Coroner.

- 14.** Subsection 1 of section 24 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 103, section 11, is repealed and the following substituted therefor: s. 24 (1),
re-enacted

(1) Every coroner before holding an inquest shall notify the Crown attorney of the time and place at which it is to be held and the Crown attorney or a barrister and solicitor or any other person designated by him shall attend the inquest and shall act as counsel to the coroner at the inquest. Notice to
Crown
attorney

- 15.—**(1) Subsection 1 of section 25 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor: s. 25 (1),
amended

(1) Where an inquest is held, it shall inquire into the circumstances of the death and determine, Purposes
of inquest

.

- (2) Subsection 3 of the said section 25 is repealed and the following substituted therefor: s. 25 (3),
re-enacted

(3) Subject to subsection 2, the jury may make recommendations directed to the avoidance of death in similar circumstances or respecting any other matter arising out of the inquest. Authority
of jury
to make
recom-
mendations

- 16.** Section 27 of the said Act is repealed and the following substituted therefor: s. 27,
re-enacted

27.—(1) Except as provided in subsection 4, every inquest shall be held with a jury composed of five persons. Juries

(2) The coroner shall direct a constable to select from the list of names of persons provided under subsection 2 of section 28 five persons who in his opinion are suitable to serve as jurors at an inquest and the constable shall summon them to attend the inquest at the time and place appointed. Jurors

(3) Where fewer than five of the jurors so summoned attend at the inquest, the coroner may name and appoint so many persons then present or who can be found as will make up a jury of five. Idem

(4) With the consent of the Chief Coroner, an inquest in a provisional judicial district may be held without a jury. Inquest
without
jury in
provisional
judicial
district

s. 44a,
enacted

- 17.** The said Act is further amended by adding thereto the following section:

Protection
from
liability

44a. No action or other proceeding for damages lies or shall be instituted against a coroner or any person acting under his authority for an act done by him in good faith in the performance or intended performance of any power or duty under this Act or the regulations, or for any neglect or default in the performance in good faith of any such power or duty.

Commence-
ment

- 18.** This Act comes into force on the day it receives Royal Assent.

Short title

- 19.** The short title of this Act is *The Coroners Amendment Act, 1978*.

An Act to amend
The Coroners Act, 1972

1st Reading

May 11th, 1978

2nd Reading

May 23rd, 1978

3rd Reading

June 19th, 1978

THE HON. G. A. KERR
Solicitor General

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to revise
The Private Investigators and Security Guards Act**

THE HON. G. A. KERR
Solicitor General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to revise, update and extend the application of *The Private Investigators and Security Guards Act*.

Some of the features of the Bill are as follows :

1. The present legislation is extended to apply to burglar alarm agencies and agents and security consulting agencies and agents.
2. The Bill applies to in-house agents but such agents are not required to be licensed.
3. The definitions of a private investigator and a security guard are enlarged to apply to a wider range of activities.
4. The powers of the Registrar respecting inspections, investigations, enforcement and licensing are enlarged in keeping with similar powers in recent legislation.
5. The Private Investigation and Security Services Licensing Appeal Board is established and its composition, powers and procedures are provided for.
6. An appeal to the Board from decisions of the Registrar is provided for.
7. Decisions of the Board may be appealed to the Divisional Court.
8. An applicant for an agency licence may be required to furnish proof of liability insurance in an amount prescribed by the regulations.
9. The authority of the Lieutenant Governor in Council to make regulations is enlarged to provide for the regulation of advertising and the use of equipment and guard dogs.

BILL 87

1978

**An Act to revise
The Private Investigators and Security
Guards Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “agency” means a private investigation agency, security guard agency, security consulting agency or burglar alarm agency;
- (b) “agent” means a private investigator, security guard, security consultant or burglar alarm agent;
- (c) “Board” means the Private Investigation and Security Services Licensing Appeal Board;
- (d) “burglar alarm agency” means the business of selling, providing, installing or servicing burglar alarm systems or of monitoring a signal from a premises protected by a burglar alarm system or of providing the services of burglar alarm agents;
- (e) “burglar alarm agent” means a person who sells, installs, services, tests or patrols a burglar alarm system or acts as an operator to receive signals or responds in person to alarm warnings of a burglar alarm system;
- (f) “burglar alarm system” means a system consisting of a device or devices to provide warnings against intrusion, including burglary, robbery, theft or vandalism, or attempted burglary, robbery, theft or vandalism;
- (g) “equity share” means a share of a class of shares that carries a voting right either under all circum-

stances or under some circumstances that have occurred and are continuing;

- (h) "licence" means a licence issued under this Act;
- (i) "licensee" means the holder of a licence;
- (j) "Minister" means the Solicitor General;
- (k) "person" means a natural person, an association of natural persons, a partnership or a corporation;
- (l) "private investigation agency" means the business of providing the services of private investigators;
- (m) "private investigator" means a person who, for hire or reward, investigates and furnishes information and includes a person who,
 - (i) searches for and furnishes information as to the personal character or actions of a person, or the character or kind of business or occupation of a person,
 - (ii) searches for offenders against the law,
 - (iii) searches for missing persons or property,
 - (iv) performs shopping or other services in civilian or plain clothes for a client for the purpose of reporting to him upon the conduct, integrity of trustworthiness of his employees, or
 - (v) furnishes services in civilian or plain clothes for the prevention or detection of shoplifting;
- (n) "Registrar" means the Registrar of Private Investigation and Security Services;
- (o) "regulations" means the regulations made under this Act;
- (p) "security consultant" means a person who, for hire or reward, advises and consults on security systems for premises or other property and does not otherwise act as a private investigator, security guard or burglar alarm agent and includes a person who inspects premises or other property for devices capable of intercepting private communications;
- (q) "security consulting agency" means the business of providing the services of security consultants;

- (r) “security guard” means a person who, for hire or reward, guards or patrols for the purpose of protecting persons or property and includes a person who,
- (i) on behalf of his employer, supervises and inspects security guards while they are guarding or patrolling;
 - (ii) guards or transports valuable property in an armoured vehicle whether or not such property is owned by his employer, or
 - (iii) accompanies a guard dog while the dog is guarding or patrolling;
- (s) “security guard agency” means the business of providing the services of security guards or of guard dogs, or of both. R.S.O. 1970, c. 362, s. 1, *amended*.

2.—(1) This Act does not apply to,

Application
of Act

- (a) a barrister or solicitor in the practice of his profession or to his employees;
- (b) consumer reporting agencies and personal information investigators registered under *The Consumer Reporting Act, 1973* while acting in the usual and regular scope of their employment; 1973, c. 97
- (c) collection agencies and collectors registered under *The Collection Agencies Act* while acting in the usual and regular scope of their employment; R.S.O. 1970, c. 71
- (d) a person who is acting as a peace officer;
- (e) insurance adjusters and their employees licensed or registered under *The Insurance Act* while acting in the usual and regular scope of their employment; R.S.O. 1970, c. 224
- (f) insurance companies and their employees licensed or registered under *The Insurance Act* while acting in the usual and regular scope of their employment;
- (g) an employee of a municipality as defined in *The Municipal Affairs Act* while acting within the scope of his employment; R.S.O. 1970, c. 118
- (h) a person who sells or provides a burglar alarm system where no survey or inspection of the premises

to be protected by the system is carried out by such person or his employee or agent and such person does not install, service, test, monitor or patrol the system;

(i) a person who is not in the employ of a burglar alarm agency and who,

(i) installs a burglar alarm system where all specialized and final connections necessary to make the system operable are made by a licensed burglar alarm agent on the direction of his agency employer, or

(ii) acts as an operator to receive a signal from a burglar alarm system where such service is provided without remuneration;

(j) a member of a Corps of Commissionaires while acting within the objects of its incorporation; and

(k) any person or class of persons exempted by the regulations. R.S.O. 1970, c. 362, s. 2, *amended*.

Exemption
from
licensing

(2) A private investigator, security guard, security consultant or burglar alarm agent who is permanently employed by one employer in a business or undertaking other than the business of providing the services of private investigators, security guards, security consultants or burglar alarm agents and whose work is confined to the affairs of that employer is not required to be licensed under this Act.

Persons
deemed
registered
for purposes
of 1973, c. 97

(3) Every person who is licensed as a private investigation agency or a private investigator under this Act shall, so long as he is so licensed, be deemed to be registered under *The Consumer Reporting Act, 1973* as a consumer reporting agency or personal information investigator, as the case may be. *New*.

Registrar

3.—(1) There shall be a Registrar of Private Investigation and Security Services appointed by the Lieutenant Governor in Council who may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act.

Deputy
Registrar

(2) The Lieutenant Governor in Council may appoint a Deputy Registrar of Private Investigation and Security Services who shall act as and have all the powers and authority of the Registrar during the absence of the Registrar or his inability to act and who may do any act or thing

that the Registrar is authorized to do by or under this Act when authorized so to do by the Registrar and such act or thing shall for the purposes of this Act be deemed to have been done by the Registrar. R.S.O. 1970, c. 362, s. 3, *amended*.

4.—(1) No person shall carry on or hold himself out as carrying on the business of an agency unless he is the holder of a licence therefor. R.S.O. 1970, c. 362, s. 4 (1), *part, amended*. Licences

(2) No licence to carry on the business of an agency shall be issued to any person unless, Issue of licence

(a) he is a Canadian citizen or a person lawfully admitted to Canada for permanent residence and ordinarily resident in Canada;

(b) where the applicant for the licence is a corporation, a majority of the members of the board of directors are Canadian citizens or persons lawfully admitted to Canada for permanent residence and ordinarily resident in Canada; and

(c) he has an office for the agency in Ontario approved by the Registrar. *New*.

5.—(1) No branch office of an agency shall be opened or operated unless the person who carries on the business of the agency is the holder of a licence to operate such branch office. Branch office

(2) For the purposes of this Act, a branch office includes any place at which the public is invited to deal in respect of the services provided by the agency. *New*. What constitutes branch office

6. No person who is the holder of a licence to carry on business as an agency shall employ as an agent a person who is not the holder of a licence. R.S.O. 1970, c. 362, s. 5, *amended*. Employer to ensure agents licensed

7.—(1) Subject to subsection 2 of section 8, no person shall act or hold himself out as acting as an agent unless he is the holder of a licence to so act and is the employee of an agency licensed to carry on business as a private investigation agency, security guard agency, security consulting agency or burglar alarm agency, as the case may be. No acting or holding out unless holder of licence

(2) No person shall be licensed as an agent unless he, Qualifications for licence

(a) is a Canadian citizen or a person lawfully admitted to Canada for permanent residence and ordinarily resident in Ontario; and

(b) is eighteen years of age or over. *New.*

Application
for licence

8.—(1) Every applicant for a licence shall apply to the Registrar for the licence.

Person
carrying on
business
other than
as employee

(2) Where a person wishes to carry on business as an agent otherwise than as an employee of an agency therefor, he shall be deemed to be an agency therefor and to be an employee of such agency and shall not carry on such business unless he is licensed therefor as an agency and as an agent. *New.*

Application
for licence

9. An application for a licence under section 8 shall be in the prescribed form and shall be accompanied by the fee prescribed by the regulations and, in the case of an agency, shall be accompanied in addition by proof of liability insurance in the amount and a bond in the amount and form prescribed by the regulations. R.S.O. 1970, c. 362, s. 5 (1), *amended.*

Issue of
licence

10.—(1) The Registrar shall on application therefor issue a licence to a person to carry on business as an agency unless, after making such inquiry as he considers necessary, he is of the opinion that,

- (a) such person does not comply with the requirements of this Act or the regulations for a licence;
- (b) such person has knowingly made or caused to be made any false or misleading statement in the application for the licence;
- (c) having regard to his financial position, such person cannot reasonably be expected to be financially responsible in the conduct of his business;
- (d) such person is not competent to act responsibly in the conduct of the business that would be authorized by the licence;
- (e) the past conduct of such person affords reasonable grounds for belief that the business will not be carried on in accordance with law and with honesty and integrity;
- (f) where such person is a corporation, partnership or association of natural persons,

- (i) the officers or directors of the corporation or the members of the partnership or association of natural persons are not competent to act responsibly in the conduct of the business, or
- (ii) the past conduct of the officers or directors of the corporation or of a shareholder who owns or controls 10 per cent or more of its issued and outstanding equity shares or of the members of the partnership or association of natural persons affords reasonable grounds for belief that the business will not be carried on in accordance with law and with honesty and integrity;
- (g) such person is not in a position to observe or carry out the provisions of this Act and the regulations;
- (h) such person or the person who will manage the business does not have the experience and training prescribed by the regulations or experience and training that, in the opinion of the Registrar, is equivalent thereto;
- (i) such person is carrying on activities that are, or will be, if the licence is issued, in contravention of this Act or the regulations;
- (j) such person is engaged in or proposes to engage in any activity, in addition to carrying on the business, that may give rise to a conflict of interest;
- (k) the proposed name of the agency is so like or similar to the name of an existing agency as to be likely to cause confusion between them or to mislead persons into believing that the agency is such existing agency;
- (l) any other ground for refusal to issue prescribed in the regulations exists; or
- (m) for any other reason, to do so is not in the public interest.

(2) The Registrar shall on application therefor issue a ^{Idem} licence to a person to act as an agent unless, after making such inquiry as he considers necessary, he is of the opinion that,

- (a) such person does not comply with the requirements of this Act or the regulations for a licence;

- (b) such person has knowingly made or caused to be made any false or misleading statement in the application for the licence;
- (c) the past conduct of such person affords reasonable grounds for belief that he will not carry on as an agent in accordance with law and with honesty and integrity;
- (d) such person is not in a position to observe or carry out the provisions of this Act and the regulations;
- (e) such person does not have the experience and training prescribed by the regulations or experience and training that, in the opinion of the Registrar, is equivalent thereto;
- (f) such person is engaged in or proposes to engage in any activity in addition to acting as an agent that may give rise to a conflict of interest;
- (g) any other ground for refusal to issue prescribed in the regulations exists; or
- (h) for any other reason, to do so is not in the public interest.

Notice of
proposal to
refuse

(3) Where the Registrar proposes to refuse to issue a licence, he shall serve notice of his proposal on the applicant.

Notice of
entitlement
to hearing,
etc.

(4) A notice under subsection 3 shall inform the applicant that he is entitled to a hearing by the Registrar if he mails or delivers to the Registrar, within thirty days after the notice under subsection 3 is served on him, notice in writing requiring a hearing, and he may so require such a hearing.

Power of
Registrar
where no
hearing

(5) Where an applicant does not require a hearing by the Registrar in accordance with subsection 4, the Registrar may refuse to issue the licence.

Power of
Registrar
where
hearing
held

(6) Where an applicant requires a hearing by the Registrar in accordance with subsection 4, the Registrar shall appoint a time for and hold the hearing and may, after the hearing, refuse to issue the licence.

Non-
application
of 1971, c. 47

(7) *The Statutory Powers Procedure Act, 1971*, does not apply to an inquiry by the Registrar under subsection 1 notwithstanding anything contained therein. *New.*

11.—(1) Every licensee that is a corporation shall notify the Registrar in writing within thirty days after the issue or the entry of a transfer of any shares of its capital stock or the happening of a condition by which shares of its capital stock acquire voting rights where such issue, transfer or happening results in, Notice of transfer of shares

- (a) any shareholder and shareholders associated with him beneficially owning or controlling at least 10 per cent of the total number of all issued and outstanding equity shares of such stock; or
- (b) any shareholder and shareholders associated with him who already beneficially owns or controls 10 per cent or more of the total number of all issued and outstanding equity shares of such stock increasing such holding.

(2) In calculating the total number of equity shares of the corporation beneficially owned or controlled for the purposes of this Act, the total number shall be calculated as the total of all the shares actually owned or controlled, but each share that carries the right to more than one vote shall be calculated as the number of shares equalling the total number of votes it carries. Idem

(3) Where a licensee that is a corporation is aware that a transfer that comes within the provisions of subsection 1 has taken place, it shall notify the Registrar in writing within thirty days after such knowledge came to the attention of its officers or directors, and not within thirty days of the entry of the transfer. Idem

(4) For the purposes of subsection 1, a shareholder shall be deemed to be associated with another shareholder if, Associated shareholder

- (a) one shareholder is a company of which the other shareholder is an officer or director;
- (b) one shareholder is a partnership of which the other shareholder is a partner;
- (c) one shareholder is a company that is controlled directly or indirectly by the other shareholder;
- (d) both shareholders are companies and one shareholder is controlled directly or indirectly by the same individual or company that controls directly or indirectly the other shareholder;

- (e) both shareholders are members of a voting trust where the trust relates to shares of a corporation; or
- (f) both shareholders are associated within the meaning of clauses *a* to *e* with the same shareholder. *New.*

Notice to
Registrar

12.—(1) Every person licensed to operate an agency shall within five days notify the Registrar in writing of,

- (a) any change in the address of his office or any branch thereof;
- (b) any change in its officers, directors or members where the licensee is a corporation, partnership or association of natural persons;
- (c) any commencement or termination of employment of a person licensed under this Act;
- (d) any change in the relative financial interests of the partners or members of a partnership or association of natural persons so licensed; and
- (e) any change affecting the requirements set out in clause *a* or *b* of subsection 2 of section 4. R.S.O. 1970, c. 362, s. 6, *amended*.

Idem

(2) Every person licensed to act as an agent shall within five days notify the Registrar in writing of,

- (a) any change in his address; and
- (b) any change affecting the requirements set out in clause *a* of subsection 2 of section 7. *New.*

Temporary
licence

13.—(1) Where a person who is licensed to operate an agency dies, the Registrar may grant to his executor or administrator a temporary licence for such agency and all licensed employees of a deceased licensee at the time of his death shall be deemed to be licensed as employees of such executor or administrator.

Expiry of
temporary
licence

(2) A temporary licence expires at the end of the term thereof specified in the licence or otherwise as provided in the regulations. R.S.O. 1970, c. 362, s. 9 (2, 3), *amended*.

Licence not
transferable

14.—(1) A licence is not transferable. R.S.O. 1970, c. 362, s. 10.

(2) A licence or a renewal of a licence is subject to such terms and conditions as are imposed from time to time by the Registrar or prescribed by the regulations, or both, and the Registrar is empowered to impose terms and conditions and to remove or alter terms and conditions that he imposes as he considers proper. *New.*

Imposition
of terms and
conditions

15. Immediately upon the receipt of a licence to operate an agency, the licensee shall cause it to be displayed in a conspicuous place in the office or branch office of the business for which it is issued and shall keep it displayed. R.S.O. 1970, c. 362, s. 12, *amended.*

Displaying
licence

16. Every person who is licensed to operate an agency shall forward the agency licence to the Registrar immediately upon the termination of business of the agency. R.S.O. 1970, c. 362, s. 13 (3), *amended.*

Surrender
of licence

17. No person shall carry on the business of an agency in a name other than that in which he is licensed. *New.*

Name of
business

18.—(1) Every applicant for renewal of a licence shall apply to the Registrar in accordance with this Act and the regulations and not less than sixty days prior to the expiration of the licence. R.S.O. 1970, c. 362, s. 11 (2), *amended.*

Renewal
of licence

(2) Subject to subsections 2 and 3 of section 19, where application has been made in compliance with subsection 1, the existing licence is deemed not to have expired until the applicant has received the decision of the Registrar on his application for renewal. *New.*

Continuation
of licence
pending
renewal

19.—(1) The Registrar may refuse to renew or may suspend or revoke a licence if, after a hearing, he finds that,

Refusal
to renew,
suspension or
revocation

(a) the licensee would be disentitled to a licence for any reason specified in subsection 1 or 2 of section 10 if he were making application for the licence in the first instance;

(b) the licensee or, if the licensee is a corporation or partnership or association of natural persons, any of its officers, directors or members has been convicted of an offence under the *Criminal Code* (Canada) or any other Act that is relevant to the fitness of the licensee to carry on the business or activity authorized by the licence;

R.S.C. 1970,
c. C-34

(c) the licensee or, if the licensee is a corporation or partnership or association of natural persons, any

of its officers, directors or members has contravened or has permitted any person under his control or direction to contravene any provision of this Act or the regulations or any order of the Registrar or any term or condition of the licence; or

(d) any other ground for refusal to renew, suspension or revocation specified in the regulations exists.

Provisional
suspension,
etc.

(2) Notwithstanding subsection 1, the Registrar may, by notice in writing served on a licensee and without a hearing, provisionally refuse to renew or suspend or revoke his licence where in the opinion of the Registrar it is necessary to do so for the immediate protection of the public and the Registrar so states in such notice giving his reasons therefor.

Notice of
entitlement
to hearing,
etc.

(3) A notice under subsection 2 shall inform the licensee that he is entitled to a hearing by the Registrar if he mails or delivers to the Registrar within thirty days after the notice under subsection 2 is served on him, notice in writing requiring a hearing, and he may so require such a hearing.

Power of
Registrar
where no
hearing

(4) Where a licensee does not require a hearing by the Registrar in accordance with subsection 3, his licence shall be deemed to have been revoked.

Power of
Registrar
where
hearing
held

(5) Where a licensee requires a hearing by the Registrar in accordance with subsection 3, the Registrar shall appoint a time for and hold the hearing and may, after the hearing, refuse to renew or may suspend or revoke the licence.

Surrender
of licence

(6) Where a licence is suspended or revoked, the licensee shall forthwith forward it to the Registrar. *New.*

Notice of
hearing

20.—(1) The notice of a hearing by the Registrar under section 10 or 19 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue, renewal or retention of the licence.

Examination
of
documentary
evidence

(2) An applicant or licensee who is a party to proceedings in which the Registrar holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Variation
of decision
by Registrar

21. Where the Registrar has refused to issue or renew or has suspended or revoked a licence after a hearing he may, at any time of his own motion or on the application of the person who was the applicant or licensee, vary or rescind his

decision, but the Registrar shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations. *New.*

22.—(1) A board to be known as the Private Investment and Security Services Licensing Appeal Board is hereby established and shall consist of not fewer than three persons who shall be appointed by the Lieutenant Governor in Council and the Lieutenant Governor in Council shall appoint one of the members as chairman. Board established

(2) The members of the Board shall be appointed to hold office for a term not exceeding three years and may be reappointed for further terms not exceeding three years each. Term of office

(3) The members of the Board shall be paid such remuneration and expenses as may be fixed by the Lieutenant Governor in Council. Remuneration

(4) The chairman shall have general supervision and direction over the conduct of the affairs of the Board and shall arrange the sittings of the Board and assign members to conduct hearings as circumstances may require. Duties of chairman

(5) Two members of the Board constitute a quorum, but the chairman may in writing authorize one member of the Board to hear and determine any matter and for such purpose such member may exercise all the jurisdiction and powers of the Board and his decision shall be a decision of the Board. *New.* Quorum

23.—(1) Where after a hearing the Registrar refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may appeal to the Board by written notice mailed or delivered to the Registrar and filed with the Board within fifteen days after receipt of notice of the decision of the Registrar. Appeal to Board

(2) The Board may extend the time for the giving of notice under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension and may give such directions as it considers proper consequent upon such extension. Extension of time for appeal

(3) The Board shall hear an appeal under subsection 1 by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may, Powers of Board

after the hearing, confirm or alter the decision of the Registrar or direct the Registrar to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Registrar.

Effect of
decision
pending
disposition
of appeal

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Registrar, unless the Board otherwise directs, the decision of the Registrar is effective until the appeal is disposed of. *New.*

Parties

24.—(1) The Registrar, the appellant and such other persons having a direct and immediate interest in the outcome of the appeal as are specified by the Board are parties to the proceedings before the Board under section 23.

Members
making
decision not
to have
taken part in
investigation,
etc.

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

(3) The oral evidence taken before the Board on the appeal shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

1971, c. 47

(4) The findings of fact of the Board on the appeal shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

Only
members at
hearing
to participate
in decision

(5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. *New.*

Appeal to
Divisional
Court

25.—(1) Any party to proceedings before the Board under section 23 may appeal from the decision of the Board to the Divisional Court in accordance with the rules of court.

(2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section. Minister entitled to be heard

(3) Where notice of an appeal is served under this section, the Board shall forthwith file in the Divisional Court the record of the proceedings before it in which the decision was made which, together with a transcript of the evidence before the Board, if it is not part of the record of the Board, constitutes the record on the appeal. Record to be filed in court

(4) An appeal under this section may be made on any question that is a question of law alone and the court may confirm or alter the decision of the Board appealed from or direct the Registrar to do any act he is authorized to do under this Act or may refer the matter back to the Board for rehearing by it as the court considers proper and the court may substitute its opinion for that of the Registrar or Board. Powers of court on appeal

(5) Notwithstanding that an appeal has been made under this section, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of. Effect of decision of Board pending disposition of appeal
New.

26. Notwithstanding that the Registrar, the Board or the Divisional Court has refused to issue or renew or has suspended or revoked a licence, a further application for a licence may be made to the Registrar upon new or other evidence or where material circumstances have changed. Further application on new evidence
R.S.O. 1970, c. 362, s. 16, *amended*.

27.—(1) For the purpose of determining whether or not to issue, renew, suspend or revoke a licence, Investigation and inquiry by Registrar

(a) the Registrar or any person authorized by him may make such investigation and inquiry as the Registrar considers sufficient regarding the character, financial position or competence of an applicant or licensee or any other matter relevant to the issue or continuation of the licence and may require an applicant or licensee to try such examinations to determine competence as the Registrar considers necessary; and

(b) the Registrar may require further information or material to be submitted by an applicant or a licensee.

(2) For the purpose of an inquiry under this section, the person making the investigation and inquiry has the Powers of person making investigation and inquiry

1971, c. 49

powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. *New.*

Investigation
on order of
Minister

28. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act. *New.*

Investigation
by Registrar

29.—(1) Where the Registrar believes on reasonable and probable grounds that any person has,

(a) contravened any of the provisions of this Act or the regulations; or

R.S.C. 1970,
c. C-34

(b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for a licence under this Act,

the Registrar or any person authorized by him may make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred.

Powers of
investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person making the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

(a) upon production of his authority, enter at any reasonable time the premises of such person, not including any premises or part thereof occupied as living accommodation, and examine books, papers, documents and things relevant to the subject-matter of the investigation; and

(b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. 1971, c. 49

(3) No person shall obstruct a person making an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. Obstruction of investigator

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the Registrar has directed that the investigation be made and that such person is authorized by the Registrar and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night. Search warrant

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated. Removal of books, etc.

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents. Admissibility of copies

(7) The Registrar may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4. *New.* Appointment of expert

Inspections

30. The Registrar or any person authorized by him may at any reasonable time enter upon any premises in respect of which a licence is issued to make an inspection for the purpose of ensuring that the provisions of this Act and the regulations and the terms and conditions of the licence are being complied with, and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection. *New.*

Special
audit

31.—(1) The Registrar or any person authorized by him may at any time enter upon any premises where the books, accounts or records of or pertaining to any licensed agency are kept or may be, and may inspect, study, audit, take extracts from such books, accounts or other records, and may, upon giving a receipt therefor, remove any such material that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected, and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility
of copy

(2) Any copy made as provided in subsection 1 and purporting to be certified by the person inspecting is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original. *New.*

Matters
confidential

32.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under this Act, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the due enforcement of the law;
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

Testimony
in civil
suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding

with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act. *New.*

33. Where the Registrar believes on reasonable and probable grounds that a person licensed under this Act is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, or that the material is in contravention of the regulations, the Registrar may order the immediate cessation of the use of such material and section 23 applies with necessary modifications to the order in the same manner as to a decision by the Registrar refusing to issue a licence, and the order of the Registrar shall take effect immediately unless the Registrar otherwise directs. R.S.O. 1970, c. 362, s. 31, *amended.* Misleading advertising, etc.

34.—(1) Any notice or order required to be given, delivered or served under this Act or the regulations is sufficiently given, delivered or served if delivered personally or sent by prepaid first class mail addressed to the person to whom delivery or service is required to be made at his last-known address. Service of notice or order

(2) Where service is made by mail, the service shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date. *New.* Idem

35.—(1) Where it appears to the Registrar that any person does not comply with any provision of this Act or the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Registrar may apply to a judge of the High Court for an order directing such person to comply with such provision, and, upon the application, the judge may make such order or such other order as the judge thinks fit. Restraining order

(2) An appeal lies to the Divisional Court from an order made under subsection 1. *New.* Appeal

36.—(1) No private investigator, while acting as a private investigator, shall wear a uniform or carry or display any badge, shield, card or other evidence of authority except the licence, if any, issued to him under this Act and a business card containing no reference to licensing under this Act. Means of identification

(2) Every licensed private investigator, while acting as a private investigator, shall carry on his person the licence Licence to be carried

issued to him under this Act and shall produce it for inspection at the request of any person.

Use of
uniform

(3) No licensed private investigator who is also licensed as a security guard shall act as a private investigator while in uniform. R.S.O. 1970, c. 362, s. 25, *amended*.

Employment
by more than
one agency
prohibited

(4) No licensed private investigator shall seek or accept employment with more than one private investigation agency at one time. *New*.

Uniform to
be worn

37.—(1) Every security guard, while acting as a security guard, shall wear a uniform that is in accordance with the regulations. R.S.O. 1970, c. 362, s. 27, *amended*.

Licence,
etc., to
be carried

(2) Every security guard, while acting as a security guard, shall carry on his person the licence, if any, issued to him under this Act and, if he is authorized to enforce municipal parking by-laws pursuant to section 43 and is so engaged, a document evidencing such authority and shall produce it or them for inspection at the request of any person.

Evidence of
authority

(3) No security guard, while acting as a security guard, shall carry or display any evidence of authority except his uniform, the licence, if any, issued under this Act and a document evidencing his authority to enforce municipal parking by-laws if he is so authorized under section 43. R.S.O. 1970, c. 362, s. 28, *amended*.

Licence to
be carried

38.—(1) Every security consultant, while acting as a security consultant, shall carry on his person the licence, if any, issued to him under this Act and shall produce it for inspection at the request of any person.

Evidence of
authority

(2) No security consultant, while acting as a security consultant, shall carry or display any evidence of authority except the licence, if any, issued to him under this Act and a business card containing no reference to licensing under this Act. *New*.

Uniform to
be worn

39.—(1) Every burglar alarm agent who installs, services, tests or patrols a burglar alarm system, or who responds to an alarm warning from a burglar alarm system, shall, while acting as a burglar alarm agent, wear a uniform that is in accordance with the regulations.

Licence to
be carried

(2) Every burglar alarm agent, while acting as a burglar alarm agent, shall carry on his person the licence, if any.

issued to him under this Act and shall produce it for inspection at the request of any person.

(3) No burglar alarm agent, while acting as a burglar alarm agent, shall carry or display any evidence of authority except his uniform and the licence, if any, issued under this Act. *New.* Evidence of authority

40. No person engaged in any business or employment, whether licensed under this Act or otherwise, shall use the expression "private detective" in connection with such business or employment or hold himself out in any manner as a private detective. R.S.O. 1970, c. 362, s. 23. Use of expression "private detective" prohibited

41. No person other than the licensee to whom it has been issued shall have in his possession or display any licence issued under this Act. *New.* Possession of licence

42. No licensee shall act as a collector of accounts or bailiff, or undertake or hold himself out, or advertise as undertaking, to collect accounts or act as a bailiff for any person either with or without remuneration. R.S.O. 1970, c. 362, s. 29. Licensees not to be collectors or bailiffs

43.—(1) No peace officer or auxiliary member of a police force shall act as a private investigator, security guard, security consultant or burglar alarm agent or be eligible for licensing under this Act. *New.* Peace officer not entitled to be licensed

(2) No private investigator, security guard, security consultant or burglar alarm agent shall at any time, No agent shall act as police officer

(a) whether by agreement with the council of a municipality or a board of commissioners of police or otherwise, act as a member of a police force or as a municipal law enforcement officer or, subject to subsections 3 and 4, perform the duties of a police officer or municipal law enforcement officer; or

(b) hold himself out in any manner as providing the services or duties of or connected with police or as performing services or duties as a police officer. R.S.O. 1970, c. 362, s. 30, *amended.*

(3) A person carrying on the business of a security guard agency may contract with the owner of private property to provide the services of licensed security guards to enforce municipal by-laws relating to the parking of vehicles on that private property. Contract to provide services of security guards

Security
guard not
to enforce
by-laws
without
authority

(4) No security guard shall enforce by-laws under a contract entered into under subsection 3 unless he is authorized to do so by the council of the municipality or, where there is a board of commissioners of police, by the board. *New.*

Information
not to be
divulged

44.—(1) No person carrying on the business of an agency shall divulge information acquired by him in the course of the business to any person other than the client of the agency for whom the information was obtained, employees of the agency, police officers or otherwise as required by law.

Idem

(2) No agent shall divulge information acquired by him in the course of his employment other than to his employer or other employees of his employer, the client, if any, for whom the information was obtained, police officers or otherwise as required by law. R.S.O. 1970, c. 362, s. 24, *amended.*

Idem

(3) No person employed by an agency in a capacity other than as an agent shall divulge information acquired by him in the course of his employment other than to his employer or otherwise as required by law. *New.*

Offences

45.—(1) Every person who,

- (a) knowingly furnishes or causes to be furnished false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act or the regulations; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Limitation

(3) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which

the proceeding is based first came to the knowledge of the Registrar.

(4) No proceeding under clause *b* or *c* of subsection 1 ^{Idem} shall be commenced more than two years after the time when the subject-matter of the proceeding arose. R.S.O. 1970, c. 362, s. 32, *amended*.

46.—(1) A statement as to,

Evidence

- (a) licensing or non-licensing of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Registrar; or
- (d) any other matter pertaining to such licensing, non-licensing, filing or non-filing,

purporting to be certified by the Registrar is, without proof of the office or signature of the Registrar, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. R.S.O. 1970, c. 362, s. 33, *amended*.

(2) Any document under this Act purporting to be ^{Idem} signed by the Minister, or any certified copy thereof, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof that the document is signed by the Minister without proof of the office or signature of the Minister. *New*.

47. The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) exempting persons or classes of persons from this Act or the regulations or any provision thereof in addition to those exempted under section 2;
- (b) prescribing classes of licences and the terms and conditions to which each class is subject;
- (c) governing applications for licences and for renewals thereof;
- (d) providing for the expiration and renewal of licences;

- (*e*) requiring the payment of fees on application for licences or renewal of licences or any class thereof, and prescribing the amounts thereof,
- (*f*) requiring agencies or any class thereof to have and maintain a bond in such amount, form and terms and with such collateral security as are prescribed and providing for the forfeiture or cancellation of bonds, the disposition of the proceeds and the period that bonds shall subsist and respecting all matters subsequent to forfeiture or cancellation;
- (*g*) governing the form and content of advertising by agencies;
- (*h*) regulating the management and operation of offices of agencies or branches thereof and requiring approval thereof by the Registrar;
- (*i*) requiring and governing the books, accounts and records relating to the due compliance with the provisions of this Act that shall be kept by agencies;
- (*j*) governing the uniforms, badges and insignia that shall be worn by security guards and burglar alarm agents and requiring approval thereof by the Registrar and prohibiting the wearing of uniforms, badges and insignia not so approved;
- (*k*) regulating or prohibiting the use of equipment by agents;
- (*l*) governing the insignia and markings that may be used on vehicles and requiring approval thereof by the Registrar and prohibiting the use of insignia and markings not so approved;
- (*m*) governing contracts entered into by a person carrying on the business of an agency with persons who engage his services;
- (*n*) prescribing records required to be kept by an agency with respect to its employees and the business of the agency;
- (*o*) requiring agencies to make returns and furnish information to the Registrar;
- (*p*) prescribing forms and providing for their use;

- (q) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (r) prescribing grounds for the refusal to renew or the suspension or cancellation of licences in addition to those grounds mentioned in clauses *a*, *b* and *c* of section 20;
- (s) prescribing grounds for the refusal to issue licences in addition to those grounds mentioned in subsections 1 and 2 of section 10;
- (t) prohibiting or regulating and controlling the use of guard dogs;
- (u) governing the method of terminating the business of an agency;
- (v) requiring agencies or any class thereof to have and maintain liability insurance and prescribing the amount thereof;
- (w) prescribing any matter that by this Act is required or permitted to be or referred to as prescribed by the regulations. R.S.O. 1970, c. 362, s. 34, *amended*.

48. *The Private Investigators and Security Guards Act*, ^{Repeals} being chapter 362 of the Revised Statutes of Ontario, 1970 and section 98 of *The Government Reorganization Act, 1972*, being chapter 1, are repealed.

49. This Act comes into force on a day to be named by ^{Commence-} proclamation of the Lieutenant Governor. ^{ment}

50. The short title of this Act is *The Private Investigation and Security Services Act, 1978*. ^{Short title}

An Act to revise
The Private Investigators and
Security Guards Act

1st Reading

May 11th, 1978

2nd Reading

3rd Reading

THE HON. G. A. KERR
Solicitor General

(*Government Bill*)



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